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SEPTEMBER 10, 2001

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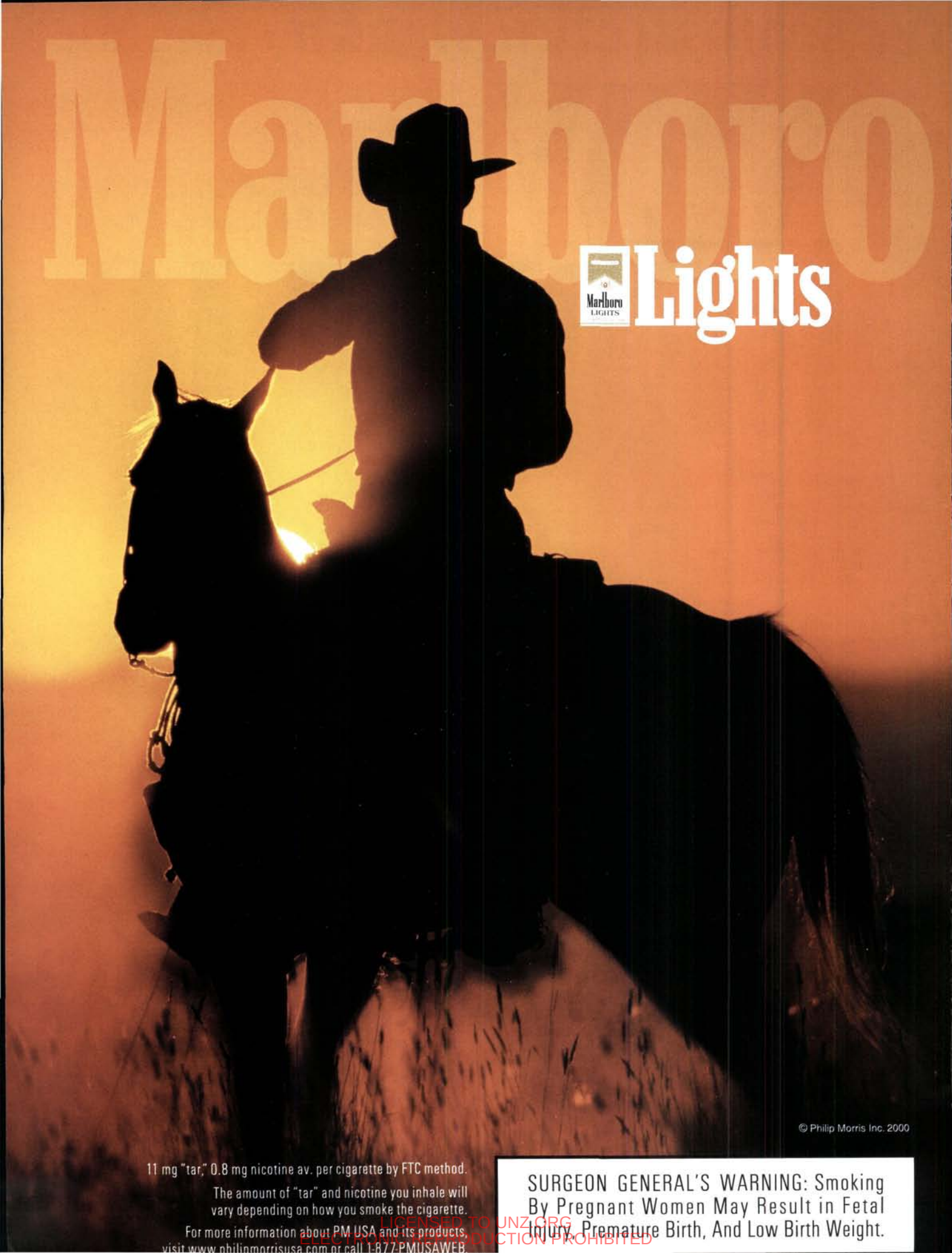
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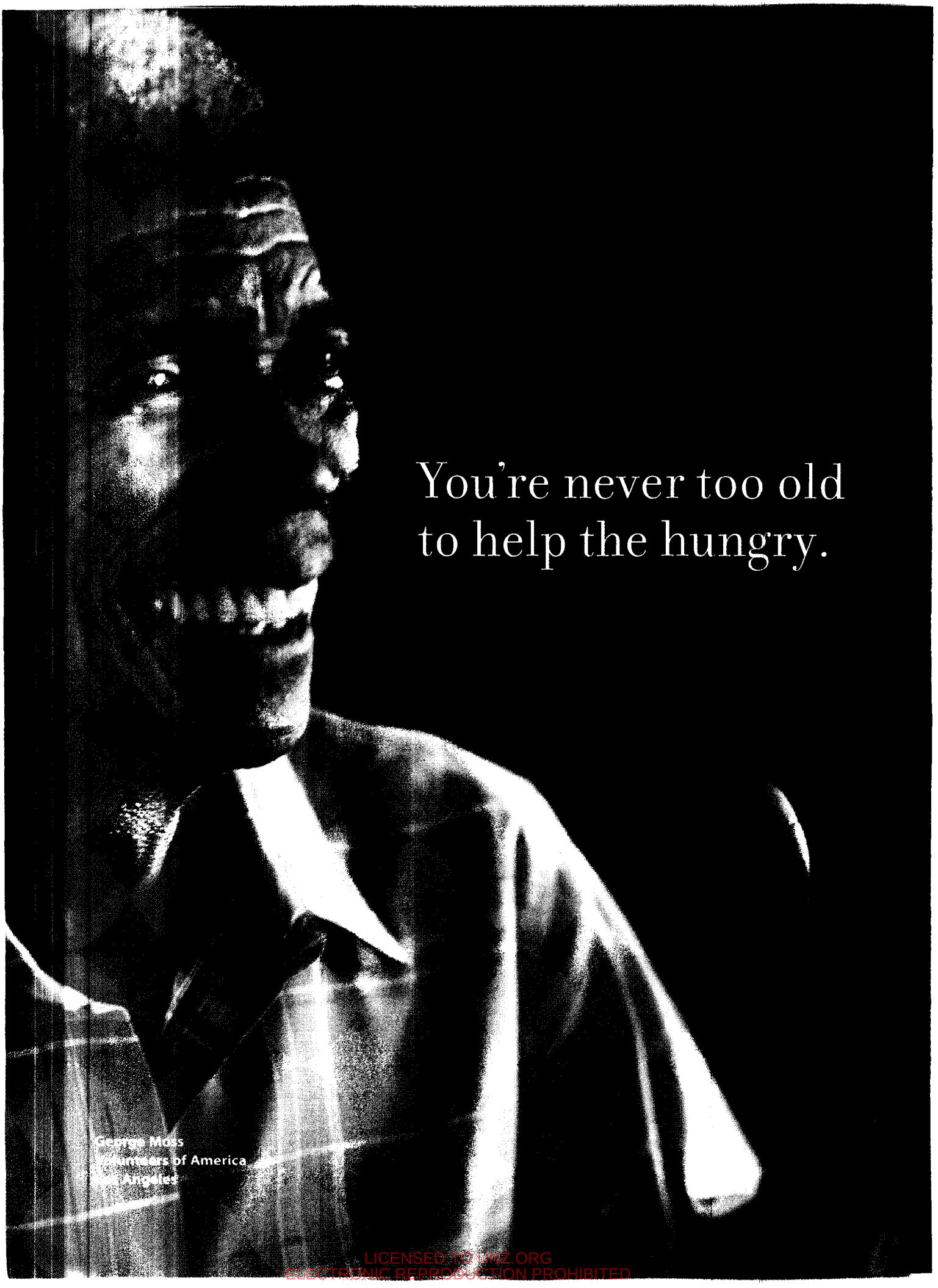

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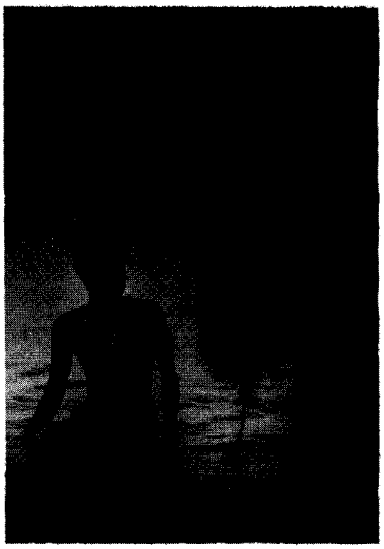

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Clearing the air

TO THE EDITORS:

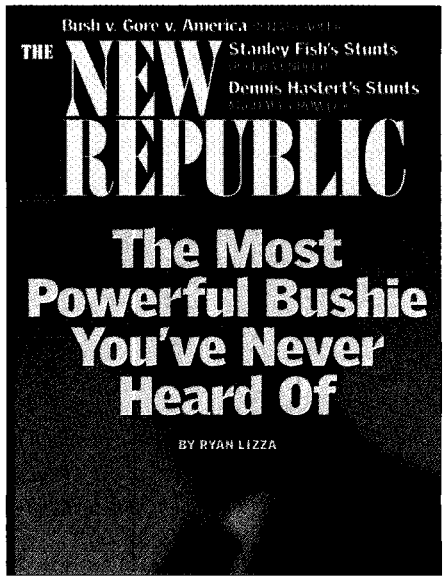
At least two inconsistencies in Gregg Easterbrook's logic raise questions about his arguments for pursuing near-term methane-emissions reductions in lieu of carbon dioxide reductions ("Climate Change," July 23). First, Easterbrook states that "because methane naturally washes out of the atmosphere in eight to ten years, while carbon dioxide has a century-long 'residence' time, reduced methane would provide a faster payoff than reduced carbon dioxide." Easterbrook's conclusion is a non sequitur. Precisely because of its shorter lifetime, a molecule of methane is "washed" from the atmosphere more quickly than a molecule of carbon dioxide, and thus a reduction in carbon dioxide will have a more lasting impact than a reduction in methane. That said, the reason we may want to focus on methane reductions is that its global-warming potential is higher than carbon dioxide's. Over 20 years, a methane molecule is a greenhouse gas 56 times stronger than carbon dioxide; however, over 500 years, methane is only 6.5 times stronger.

Second, Easterbrook claims we should focus on methane reductions since they are more cost-effective than carbon dioxide reductions; yet he states that America's excessive energy diet has "plenty of fat to be trimmed without sacrifice." This is precisely the argument environmentalists make when pointing out the many ways we can reduce carbon dioxide emissions (and methane emissions) without sacrifice. These technologies not only reduce carbon emissions but also provide savings to consumers and employment opportunities in the energy-efficiency technology sector.

JAMES J. WINEBRAKE
Associate Professor of Integrated Science and Technology
James Madison University
Harrisonburg, Virginia

TO THE EDITORS:

Gregg Easterbrook asserts that "in the West" (apparently referring to Western nations) smog is "declining everywhere" and "black soot" has been "nearly eliminated." He would not make those assertions if he lived in North Carolina or in one of the states near it. According to a recent American Lung Association report, three metropolitan areas in North Carolina rank among the 25 smoggiest in the nation. Residents receive daily alerts as to the hazards of outdoor exertion. Our legislature is now considering a bill to reduce pollution from coal-fired power plants. In June the governor of North Carolina met with the


Bush v. Gore v. America
THE NEW REPUBLIC
Stanley Fish's Stunts
Dennis Hastert's Stunts
The Most Powerful Bushie You've Never Heard Of
BY RYAN LIZZA

governors of Tennessee and Georgia to develop a regional approach to pollution. Even if the three states work together to adopt new regulations, there will still be severe problems. Much of the pollution drifts in from still other states, which is conspicuously apparent in the southern Appalachians. Easterbrook needs to look more closely at his own country's failure to deal with smog and acid rain before he presses for a shift of international attention to methane emissions.

OLIVER HAMILTON ORR JR.
Chapel Hill, North Carolina

GREGG EASTERBROOK REPLIES:

My article said methane is a more potent global-warming gas than carbon dioxide and also that methane leaves the atmosphere fast. James J. Winebrake's letter says the same. So what is his complaint? Also, why is it an "inconsistency" to say that methane could be acted on quickly but long-term carbon dioxide reductions through fossil-fuel efficiency would nevertheless be required? When someone is injured, it's hardly inconsistent to stop the bleeding in a hurry and set the bones later. As for Oliver Hamilton Orr Jr.'s concerns, North Carolinians may be hearing more about air pollution, but only because there is increasing political resolve to end this problem once and for all. In the United States in the 1990s, ambient ozone (the main factor in smog) declined by about 10 percent, while ambient sulfur dioxide (the main factor in acid rain) declined more than 40 percent. In Tar Heel country, cities had a bad year for ozone in 1998, an unusually hot summer, but otherwise have mostly shown a decline. Raleigh, for example, had 15 "unhealthful" air-quality days (by the Environmental Protection Agency's definition) in 1990, and three in 2000.

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Boxed in

TO THE EDITORS:

Legible through the ad hominem hailstorm of Jonathan Chait's "Tax and Steal" (July 30) are some important points that deserve elaboration. Is Medicare in surplus? I say no, and Chait allows as how my viewpoint is "technically true"; he's one word in surplus himself. Medicare will spend $50 billion more than it collects this year; whatever you call that, it's not a "surplus." A surplus can be fabricated only by segregating hospital costs and payroll taxes under Part A while ignoring all other spending. The deceptiveness of this pretense was exposed in 1997 when President Clinton and Congress arbitrarily moved home health care's accelerating costs from Part A to Part B. Presto! The "surplus" was restored and increased, albeit even phonier than before.

Chait is "stupef[ied]" that I bother to note that extra surplus funds are paid not to any trust account but to bondholders. He writes: "Paying people back the money you owe them is not some sort of gift." No, but paying them ahead of time, with the extra premium prepayment it requires, can be. In small amounts, the offset of premiums by lower interest payments can be favorable, but if (with Chait) we slavishly follow the lockbox illogic, we will wind up rewarding bondholders with penalty premiums—real gifts in the future. Besides, I only inserted this minor observation as a passing irony, given the fixation many administration critics have with the wicked "top 1 percent" who own nearly half these bonds.

Last, Chait points out that, even after all the redeemable debt is paid off, further surpluses "would simply be invested, just like other government pension funds." But other funds are not invested in the private marketplace today, and permitting Social Security to do so would quickly lead to its owning 10 percent of U.S. equities. There are still a few advocates of what used to be called "state ownership of the means of production," but herein lies a fundamental debate that I doubt Chait meant to trigger.

There is one exception. The funds of the Federal Thrift Savings Plan can, in fact, be invested in private assets today, and more than 50 percent are. But they are not "trust" funds in the traditional sense; they are private accounts owned by individuals, just like President Bush recommends for Social Security. If that's where Chait wants to head, let's shake on it.

MITCHELL E. DANIELS JR.
Director, Office of Management and Budget
Washington, D.C.

JONATHAN CHAIT REPLIES:

It's funny to see Mitchell E. Daniels Jr., who constantly invokes his Midwestern common sense, calling one paragraph that gently challenges his self-conception an "ad hominem hailstorm." On the details, he's wrong on all points. When people talk about the Medicare surplus, they mean the hospital trust fund. The hospital trust fund is in surplus, and Daniels is engaging in semantics. Second, the administration grossly understates the amount of debt that can be repaid without penalty. And when Daniels painted debt reduction as a subsidy for the rich, he didn't mention a word about early premiums. He was attacking the whole idea of debt reduction. Third, Daniels is flat wrong when he says government funds "are not invested in the private marketplace today." State and local pension funds own more than $1 trillion in corporate equities, many with less stringent firewalls than anything contemplated for Social Security. If Daniels thinks this is socialism, we're already there.

Busted

TO THE EDITORS:

In "Boob Tube" (July 30), Amanda Fazzone criticizes the National Organization for Women's "Watch Out, Listen Up!" report while making largely the same point we do: that women are frequently used as sex objects on television. NOW's report laments the fact that it is hard to find women on television who aren't young, conventionally pretty, and provocatively dressed. Our report comments on the promotion of violence and the lack of social responsibility on television, but Fazzone fails to mention that. Instead, she revels in the titillating extracurricular activities of the young women actors.

Fazzone admits NOW didn't have much to work with. Still, beneath the admittedly fluffy surface of shows like "Felicity" and "Gilmore Girls," we found story lines that addressed struggles in school, sexual responsibility, and many other topics relevant to real life. Finally, to imply that NOW wants Anne Robinson, the host of "The Weakest Link," to be softer or sexier is just plain ridiculous. As Fazzone notes, we acknowledge in our report that feminist analysts were torn over whether Robinson played into a harsh stereotype or broke new ground for women. NOW hopes THE NEW REPUBLIC's readers will view the full report at *www.now.org/issues/media*.

PATRICIA IRELAND
Former President
National Organization for Women
Washington, D.C.

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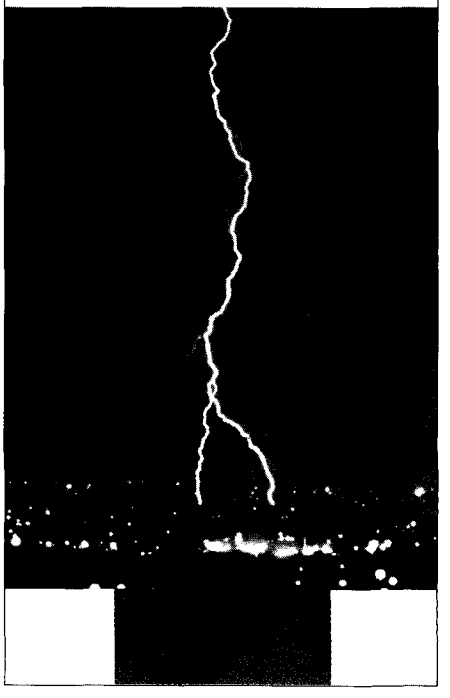

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TRB

FROM WASHINGTON

Innocent Until...

I HATE TO INTERRUPT a thoroughly enjoyable lynching, but what exactly has Gary Condit done wrong? I know I must be deranged not to appreciate his obvious guilt, venality, loathsomeness, and every other human failing now pinned to his blow-dried head. But bear with me.

The case against him comes down to two essential points. The first is that Condit impeded the police investigation into the disappearance of Chandra Levy. The second is that, since he was her adulterous, secret lover, he is rightly a prime suspect in any foul play that may have occurred. Hence it is legitimate for the media to pursue him as part of the story of the missing intern.

Neither of these claims bears scrutiny.

What is the evidence for the first? Upon hearing from the Levy family that Chandra was missing, Condit immediately offered to contribute to a reward for finding her. The next day Condit called the Washington, D.C., police department to make sure it was taking the case seriously. That call clearly helped precipitate the first real police action. Far from impeding the investigation, Condit is the main reason it got going at all. Soon thereafter, Condit met with police himself. Since then, he has undergone three more lengthy interviews with police. He underwent his first one days after he was informed of Levy's disappearance. We have no transcript of that interview, so we have to rely on unnamed sources for what happened.

A June 7 *Washington Post* story reported that police sources had said that, in his first interview, Condit told the cops that Levy spent the night at his apartment on occasion. He did not explicitly say they were having an affair, although it is unlikely that he regularly threw slumber parties for 24-year-olds. The story prompted an outburst from the Levys, who at that point didn't want their daughter's affair made public. "That's irrelevant," Susan Levy told *The Modesto Bee* on June 8. "All those things are just stories; maybe they're true; maybe they're not." We now know, of course, that Susan Levy had known for a long while of her daughter's affair with Condit and that, later in the summer, she blamed *Condit* for not disclosing it. But no one has dared challenge the Levys on their inconsistencies. Condit's office at first responded by denying the *Post*'s report. The *Post* stood by its story. A month later another *Post* story added additional detail. Again citing unnamed law enforcement sources, the *Post* reported that Condit had "told investigators to read into the relationship what they wished." Condit's lawyer, Abbe Lowell, elaborated recently that Condit had indeed been asked in the first interview whether he'd had a sexual affair with Levy, and Condit had asked the police whether that was relevant. No one present at that first interview has stated, on or off the record, that Condit directly lied to police about the affair.

So what was his crime? In a missing-person case, he refused to go on the record explicitly about an affair. But he let the police know he had sex with Chandra Levy as surely as he let Connie Chung know. Sure, he should have been less euphemistic. But a euphemism is not a lie. It's not even a deception, and it didn't foil the investigation. (Condit's excuse—his fear of irrelevant details of his private life being leaked from the cops to the press—turned out to be completely warranted.) The D.C. cops may not be the best on the planet, but I don't believe for a second that they left the first interview unsure if Levy had an affair with Condit. Besides, according to Lisa DePaulo's interview with the Levys in *Talk* magazine, the "police and FBI . . . had known the truth from day one, *because the Levys had told them*." So there was never any point when the cops were not aware of an affair between Condit and Levy, which is the only relevant fact that Condit allegedly withheld. Since then, the police have combed through the man's apartment, interrogated his wife, and given mixed messages to the media about how compliant Condit has been. Why three more interviews? We don't know. But it's perfectly possible that the cops bungled some of their questioning, or that new details prompted new questions. But again: No one but the cops and Condit know. Without such knowledge, we are in no position to declare Condit guilty of obstruction of justice. In fact, from what little we do know, the opposite seems to be the case.

The second question is why Condit is the only suspect we ever hear about. Levy appears to have had many affairs. The dynamic of the media coverage has prevented this vital background from being discussed. The preordained story has a naïve young girl betrayed by a predatory adulterer. But Levy was not naïve. In high school, she interned at the Modesto Police Department, where, according to a source cited by DePaulo, "she did a lot more exploring than the program was designed to handle." She reportedly dated one married man for several years. According to DePaulo, an intimate "knew that she'd had lots of relationships—including several with other cops and several with other married men." If you parse DePaulo's story closely, as the writer Bob Somerby has, it suggests that Levy had at least *four* separate married lovers before Condit. And she was 23 when she first locked eyes with the congressman. I'm not criticizing her; Levy had every right to have an adventurous sex life with married men. But if such a person suddenly disappeared, would there be only one possible suspect?

Of course there wouldn't. Yes, Condit was the only possible suspect we know of living in D.C.—but that doesn't mean someone from elsewhere couldn't have been involved. Yet the media hasn't pursued such leads because they would spoil a lovely little ratings bump. In fact, virtually everyone has an interest in perpetuating the anti-Condit frenzy. Republicans want to keep the image of lying, philandering Democrats in front of the public—"William Jefferson Condit." Many Democrats who gave Bill Clinton a pass have in Condit a chance to expiate their guilt on a relatively puny target. Liberal Democrats have a special zeal—Condit is a frequent Bush ally, after all. Other players have other reasons for keeping Condit center stage. Dr. and Mrs. Levy must feel a great deal of guilt about what happened to their daughter. How cathartic for them to redirect their anguish at a little man the public already loathes. The police—accused of incompetence—also need a scapegoat. How much easier it is to blame someone for impeding an investigation than to examine your own mistakes.

I hold no brief for Condit. He is a remarkably unappealing figure. But the unappealing figures are precisely the ones in danger of being smeared and railroaded. The congressman's career is over, and there's no point in anyone trying to resurrect it. But it is still worth pointing out that what went on this summer is the most disgraceful episode of groundless vilification in American journalism since Richard Jewell was accused of terrorism in 1996. It had nothing to do with the facts or with an attempt to find a missing person. And it had everything to do with the salacious and insatiable appetite of a media mob. The only relevant question to be asked in the aftermath is: Who's next?

ANDREW SULLIVAN

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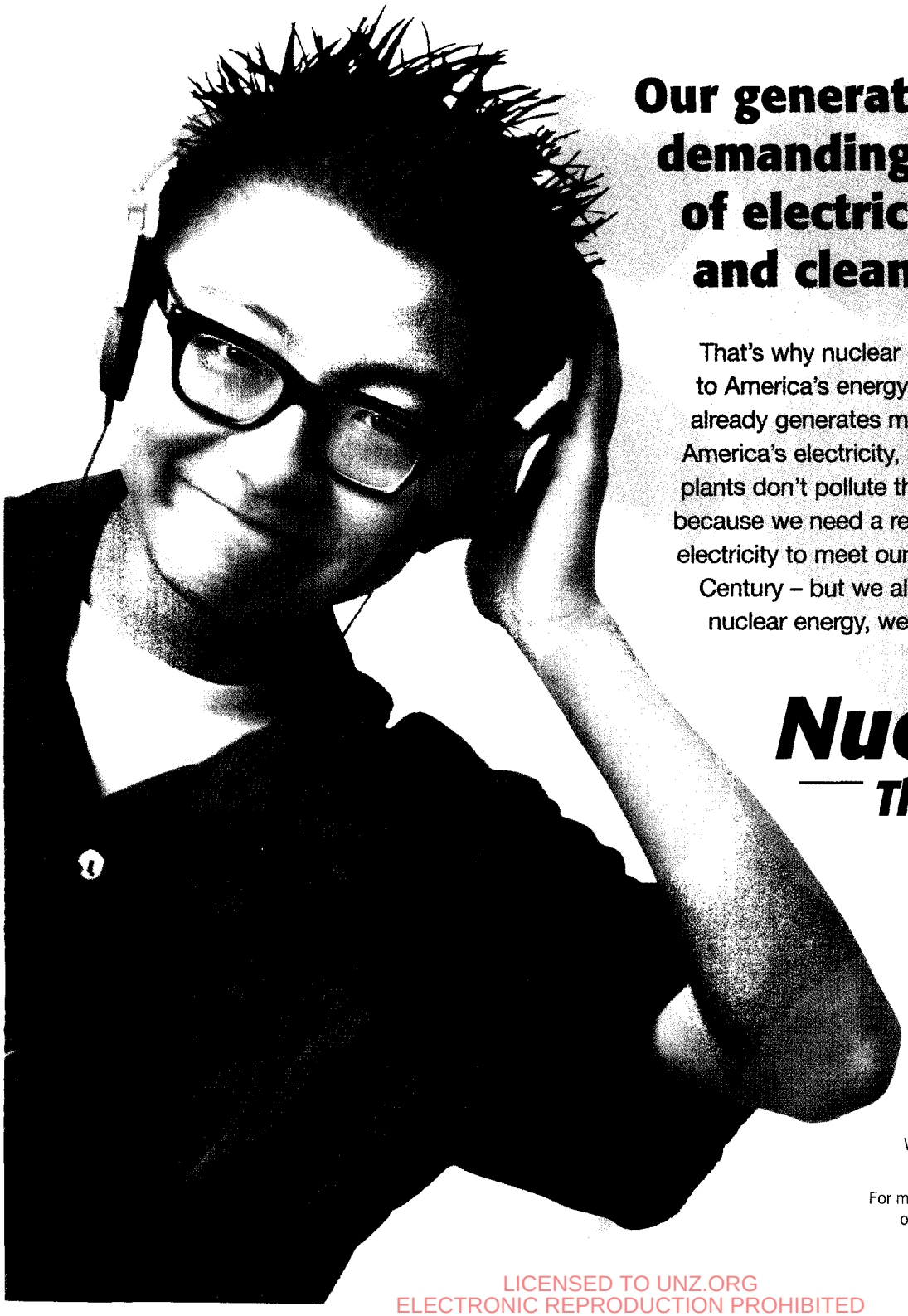

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Show of Farce

THE U.N. WORLD CONFERENCE Against Racism, being held this week in Durban, South Africa, is an illuminating spectacle. Not for what it will accomplish—which is absolutely nothing—but for what it has already clarified, both at home and abroad. A few years ago, optimists thought the United Nations, and the gaggle of nongovernmental organizations that cluster around it, was finally realizing that democracy in Israel did not constitute a threat to human dignity and that rampant dictatorship in Asia, Africa, and the Middle East did. The optimists were wrong; the United Nations and its acolytes are as morally obtuse today as they were the day the Berlin Wall fell. And in their denunciations of the Bush administration's admirable decision not to send Secretary of State Colin Powell to this charade, more than a few American liberals have shown that they, too, remain frozen in amber.

Truth be told, the world does not need an anti-racism conference. AIDS, corruption, debt, and illiteracy all constitute greater burdens on the world's poor. But if anti-racism is to have any value at all, it must at least be viewed as a subset of the larger issue of human rights. In Durban, however, anti-racism is actually a bludgeon *against* human rights. At a planning session in Geneva last month, representatives from the nongovernmental organizations attending the conference approved a declaration resolving that Israel—the only country in the Middle East where citizens freely choose their leaders—is "an apartheid, racist, and fascist state." And—despite the presence in Durban of such freedom-loving countries as Sudan, Iran, China, and Zimbabwe—Israel is the only one singled out for abuse by the conference's organizers. Not only will the human rights records of these execrable regimes be exempt from examination; many of them intend to use the conference to claim "reparations" from the United States. Third World dictatorships have long used America's real and imagined deeds as an excuse to lock up, loot, and even murder their citizens. Now they're using them as an excuse to shake down the United States. No one who knows anything about Africa's postcolonial history can imagine that sending guilt checks to its thuggish and corrupt regimes will help the continent's suffering masses one bit.

In fact, the agenda of the Durban conference is barely distinguishable from that of the first heady Third World rally, the 1955 Bandung Conference. All the recent talk about a "New Middle East" and an "African renaissance"—about the new post-cold-war respect for democracy and human rights—turns out to be just that: talk. Left to their own devices, the despotisms that litter Asia, Africa, and the Middle East quickly revert to the old pathologies, blaming others for predicaments of their own devising. Tellingly, the exceptions to this pattern—the regimes that offer their people more than just historical resentment—are also the ones that want little to do with the forthcoming show of farce in Durban. The president of democratic Senegal, for instance, calls reparations "absurd" and "insulting," while democratic India has opposed the resolution castigating the Jewish state.

Alas, many liberals seem to think that the United States must attend international conferences as a matter of principle—no matter what principles those conferences actually propound. Democratic Representative Cynthia McKinney of Georgia speculates that the Bush administration is snubbing the conference because the White House is "just full of latent racists." Jesse Jackson complains that Powell's decision not to attend represents "a huge step backward toward isolationism." Michael McClintock of Human Rights Watch gleans in the abstention evidence of "a larger trend toward unilateralism and not being bound by international fora and treaties."

But there are greater sins than unilateralism, and cooperating with other nations in the name of hatred happens to be one of them—a point strangely lost on much of the American human rights industry. If anything, Durban reminds us that the "international community" liberals love so much still amounts to little more than the sum of its parts, many of them brutal regimes that rule without the consent of those they govern. When it furthers the cause of peace, freedom, or justice, the United States has an obligation to stand with the international community. But standing apart from that community when its conclaves pollute public discourse—as the conference in South Africa is doing this week—should not be cause for self-flagellation. It should be a point of pride. ■

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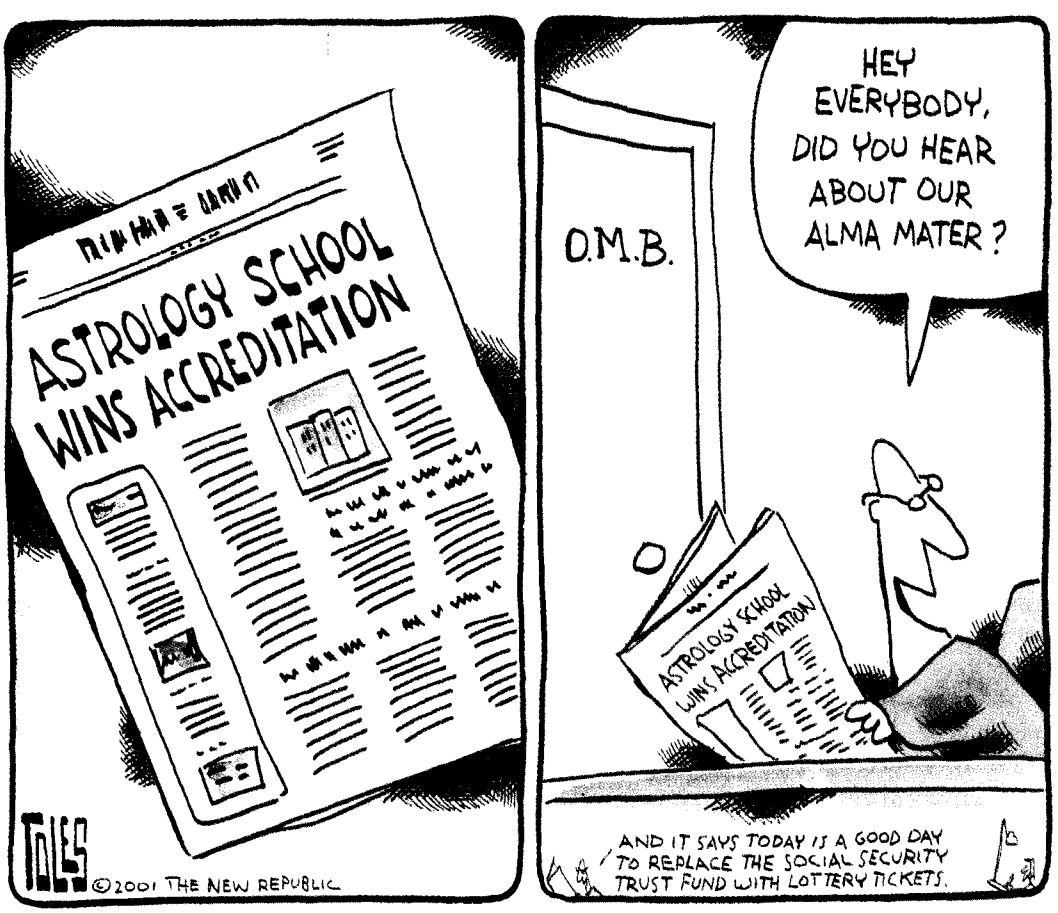
NOTEBOOK

FUZZY ENGLISH: During the campaign, George W. Bush made an ironclad promise not to spend the Social Security surplus. Or not so ironclad, as we learned last week. "I've said that the only reason we should use Social Security funds," he explained to reporters, "is in the case of an economic recession or war." It's a curious statement. The economy, after all, isn't in recession, and projections suggest that Bush will still be dipping into the surplus long after it recovers. But the really odd thing is Bush's use of the past-perfect tense: *I've said.* Said when? There is no record of any such statement. And when *The Boston Globe*'s Ann Kornblut asked the White House to back up the claim, it couldn't. In related news, Republican Party Chairman Jim Gilmore is defending Bush's record by embarking on a self-proclaimed "honesty tour."

DISPROPORTIONATE DESCRIPTION: The world is turning back upside down, in a sickeningly familiar way. We appear to be witnessing a new Orwellian period in the discussion of the Israeli-Palestinian conflict. The new Orwellianisms are designed to make Israel's defensive actions seem like offensive actions. This week's finest examples are the epithets "assassination" and "reoccupation." The Israeli killing of Mustafa Zibri, the head of the Popular Front for the Liberation of Palestine, is denounced as an assassination, like other Israeli killings of other Palestinian killers. Is there anybody who knows anything about the history of this conflict who will not agree that the PFLP has for decades been in the business of murdering Israelis *and* Palestinians? (The internecine bloodthirstiness of this organization may be why Yasir Arafat did not turn up at Zibri's funeral: In this case even crocodile tears would have been too much.) The killing of Zibri was in retaliation for car bombs and other attacks against Israel perpetrated by the PFLP. There was no reason to believe that Zibri would cease to issue such orders—or are those who give the orders any less responsible than those who carry out the orders? Imagine, for a second, that the United States knew that one of Osama bin Laden's men was on his way to Manhattan with a bomb: No sane American would argue against intercepting, and even "assassinating," him to prevent the atrocity that would transpire. The American authorities, indeed, have a sacred duty to stop such an individual by whatever means they can. But there are many people who seem to prefer that the Israeli government stand idle as its society is lethally attacked. In such cases, surely, the repudiation of "assassination" amounts to a repudiation of self-defense, which amounts a repudiation of self-respect. Then there is the semantic trick of "reoccupation." Israel is said to have "reoccupied" the town of Beit Jala when it sent in troops to put an end to the Palestinian sniping at Gilo, a Jewish neighborhood (not a Jewish "settlement," as the papers say) in Jerusalem. This move is said to be a "new benchmark" in the conflict. Never mind that Israel has repeatedly warned that the violence against civilians in Gilo must stop. (Beit Jala, reported Clyde Haberman in *The New York Times*, "has been a troubled place since Palestinians from outside the town took up positions in buildings and began using Gilo for target practice.") What, precisely, is disproportionate in the Israeli response? Did Israel cross a border to defend its citizens? Only in the way that Palestinian terrorists cross a border to bring their bombs into Jerusalem and Tel Aviv. And the Israeli crossing is a measure improvised against violence, not a policy of wrecking the diplomatic arrangements that already exist. What the critics of Israel's retaliatory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TOLES
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O.M.B.
HEY EVERYBODY, DID YOU HEAR ABOUT OUR ALMA MATER?
ASTROLOGY SCHOOL WINS ACCREDITATION
AND IT SAYS TODAY IS A GOOD DAY TO REPLACE THE SOCIAL SECURITY TRUST FUND WITH LOTTERY TICKETS.

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actions are asking of Israelis is that they agree to die—in their cars, on their streets, wherever and whenever rage-drunk Palestinians want them to die. Such an expectation is itself an expression of enmity.

YOU'VE GOT MAIL! . . . AND WE'VE ALREADY READ IT: For the past several years, America Online has been at the forefront of the corporate argument that trade with China is a moral imperative as well as a financial one. As an AOL executive put it last year, "Greater use of the Internet will improve social communications" and "help spur social reform." And maybe it will—as long as the people of China don't log on through AOL. As *The Washington Post* reported this week, an internal company memo states that AOL should "understand and comply with the regulations that govern online services in China." The president of AOL International added, in an interview with the *Post*, that his company would "be respectful with local laws." And what are these laws? In China, sending "state secrets" over the Internet is a crime punishable by death. Also prohibited is the transmission of information that "undermines social stability" or "harms the prosperity and interests of the state." These categories are intentionally broad, which helps Beijing snare dissidents like Jiang Shihua, a teacher from the Sichuan province, recently sentenced to two years in jail for posting a statement critical of the Chinese government on an Internet bulletin board. Chinese law also requires that Internet service providers police their users and assist in state investigations. Which means AOL will indeed be facilitating "social communications"—between itself and the thugs in Beijing.

SOME PEOPLE NEVER LEARN: "According to TV Globo, Clinton spent $113 on two bikinis and three sarongs. It was not immediately clear who he was shopping for." —Reuters, August 28, reporting on Bill Clinton's trip to Ipanema beach promenade in Rio de Janeiro

THE DANGERS OF LEXIS-NEXIS: For a moment, it looked like the *Wall Street Journal* editorial page actually got something right. Seizing upon the five-year anniversary of the 1996 welfare reform act, the *Journal* attacked liberals who had predicted the law would spark widespread misery. Imagine our surprise, however, to find that TNR was Exhibit A. "Perhaps the Congressmen were informed by THE NEW REPUBLIC," the *Journal* chortled, "which warned readers that 'wages will go down, families will fracture, millions of children will be more miserable than ever.'" Excuse us? The article from which the *Journal* quotes is a *dissent* by *Nation* columnist Katha Pollitt, published as part of a symposium TNR ran in response to the magazine's editorial on the legislation. And what did that editorial say? Well, here's a hint—the cover line read "SIGN THE WELFARE BILL NOW." We do that sort of thing often: print articles that deviate from our own editorial line in order to promote lively intellectual discussion, to give our readers an opposing view, and to keep ourselves honest. No wonder the *Journal* didn't understand.

HEALTH CARE COSTS ARE SKYROCKETING AGAIN.
DUE LARGELY TO VASTLY HIGHER PRESCRIPTION DRUG COSTS.
DUE IN LARGE PART TO DRUG ADVERTISING ON TELEVISION.
THE ANXIETY OVER WHICH CAN BE CONTROLLED WITH "ASSUAGITOL" FOR MEDICAL COST CONCERN RELIEF. ASK YOUR DOCTOR.
SIDE EFFECTS MAY INCLUDE EMBARRASSING BUDGET LEAKAGE
TOLES
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DEPARTMENT OF CORRECTIONS . . . LITERALLY: An article by Robert Brustein on Marlon Brando in the August 13 issue ("Contempt for Acting") incorrectly reported that the actor's son, Christian, remained in prison for the shooting death of his half-sister's lover. Christian Brando was released on parole in January 1996, after serving almost half of his ten-year sentence for voluntary manslaughter. ■

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White House Watch

Raising Keynes

By Ryan Lizza

For the last two weeks, the talk of official Washington has been the plummeting surplus numbers released by the Office of Management and Budget and by the Congressional Budget Office. But not at the White House. The Bushies knew CBO would show that the tax cut and the sluggish economy had conspired to eat the entire 2001 on-budget surplus and even take a small bite ($9 billion) out of this year's Social Security surplus. And they knew that their own forecast, released by OMB a week earlier, was cooked just enough to show that they had missed tapping the Social Security surplus this year by a hair. Top White House staffers were actually far more interested in a different set of data—the second-quarter figures on gross domestic product, the measure of economic growth. And, at 8:30 Wednesday morning, the Commerce Department reported that "[r]eal gross domestic product—the output of goods and services produced by labor and property located in the United States—increased at an annual rate of 0.2 percent in the second quarter of 2001." While the number is not negative, as many had expected, it still represents the slowest GDP growth in eight years. Was the White House glum? Actually, quite the opposite. For as the fall budget season gets under way, the Bushies don't consider a potential recession just politically tolerable. They think it could be their ace in the hole.

Since 1998, Washington's end-of-the-year appropriations battles have been fought against the backdrop of an ever-expanding surplus. With money cascading into federal coffers, both parties could afford to leave the Social Security trust fund alone—and by keeping it off-limits, they checked each other's spending or tax-cutting instincts. In a budgetary environment that required no tax increases and no cuts to popular government programs, both parties could afford to enshrine fiscal discipline as the highest political principle.

So when CBO announced last week that the surpluses were disappearing and that the Social Security trust fund was being tapped, the Democrats immediately attacked W. as fiscally reckless. But the White House thinks the Democrats are fighting the last war. The president's aides are betting that the stalled economy has fundamentally changed Washington politics. "The people who write about the budget are lagging economic indicators," says one White House aide, "because the budget is the story that is about to end. The next story is the economy. All this fussing about the budget reminds me of those cartoons about the little girl picking daisies on the railway tracks while the giant train is barreling down on her. That train is the economy."

The most immediate benefit for Bush of the sagging economy is that it allows him to ditch his commitment to the Social Security lockbox. Bush and his aides have spent the last few weeks slowly but steadily chipping away at the president's once-firm commitment to use the Social Security surplus only to repay government debt. Bush's lockbox backtracking began—ironically enough—in an August 21 speech in Independence, Missouri, home of famed straight-talker Harry Truman. Social Security funds, Bush hinted, could be tapped in the event of recession or war. His economic adviser Larry Lindsey said this explicitly in an interview the same week; then Bush reiterated the recession and war exceptions at a press conference in Crawford last Friday. By the end of the day his aides were telling reporters that these exceptions had always existed. By the following week, the original promise, once enshrined in the 2000 Republican Party platform—"The Social Security surplus is off-limits, off budget, and will not be touched"—had been reduced to a "symbolic goal." "I think it remains his objective," OMB Director Mitchell E. Daniels Jr. said vaguely in a conference call with reporters on August 27. And Daniels seemed to go even further than Bush: He hinted at abandoning the Social Security lockbox not just in a recession, which is two consecutive quarters of negative growth, but in an economic slump like the one we are in now. "It's been suggested," Daniels said, "that less than a percent real growth constituted sufficient economic difficulty to temporarily suspend one of these rules." Asked the following day on the "Today" show if he could guarantee that none of the Social Security surplus would go to anything but paying down debt, Daniels said unpersuasively, "We'll do the best we can."

When they talk about the budget, Bush, Lindsey, and Daniels sound defensive and dishonest. But, as much as possible, they try not to talk about it—and instead change the subject to the slumping economy and the need to spark economic growth. "The grown-up conversation this fall ought to be about how we get growth going again," Daniels told reporters the day OMB released its new projections. Tuesday, on "Good Morning America," he explained, "Surpluses are not an end, they're a means to an end. The end is economic health." One White House official predicts, "That is going to be one of the big arguments: the budget first or the economy first."

Other aides cast the coming battle as a fight between "process" and "priorities," with the Democrats championing the former and President Bush championing the latter. While Beltway Democrats continue to attack the Bush tax cut for depleting the surplus and forcing a raid on Social Security, they say, President Bush will travel and use the bully pulpit to talk about education, defense, and economic recovery. "Each side will have its own question," says one White House aide. "The Democratic question will be, 'Where did the surplus go and how do we get it back?' The

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A Leaky Umbrella for Nuclear Stability

Bruce Bueno de Mesquita is a senior fellow at the Hoover Institution.

The Senate seems inclined to delay development of an antimissile shield before it is completely effective. They should reconsider because an imperfect shield is the optimal deterrent. **The United States should build a leaky umbrella and make it available to everyone.**

Defense against incoming missiles should meet three criteria. Adversaries must be deterred from attacking America. All states must be deterred from launching a nuclear attack anywhere. The world must be protected against accidental launch of an armed missile.

Mutually assured destruction (MAD) deters by ensuring that adversaries face a retaliatory strike severe enough to obliterate them. How large can an initial strike be while rendering the threat of nuclear retaliation incredible? MAD is incapable of a self-enforcing nuanced response. A leaky defense provides a superior deterrent.

A completely effective missile shield disarms an adversary and guarantees that the United States does not face destruction. Such disarmament is not essential for deterrence. Adversaries must only believe that their costs in attacking the United States exceed expected gains. This is achieved by ensuring a second-strike capability sufficient to impose such costs. This retaliatory capability is guaranteed provided the shield leaks enough that missiles get through to impose unacceptable costs, which fall below complete nuclear destruction, making an all-or-nothing capability unnecessary. As nuclear weapons spread to the Third World we should note that the economic productivity and political viability of poor states could be crippled even if very few missiles reach their targets. Missile defense should guarantee such penetration, neither more nor less.

The principle of leakage to deter nuclear aggression does not apply only to rivalries. Its leakiness protects against aggression by ensuring that costs to aggressors exceed benefits. The more countries with the umbrella, the less likely anyone is to launch a nuclear missile attack.

Many wonder why it makes sense to depart from the existing policy of MAD. Besides poor retaliatory credibility, MAD offers no defense against an accidental launch. A leaky umbrella will almost certainly snare a small accidental launch.

No country should be able to strike with impunity. Defensive technology can be used to protect against the danger of an overly aggressive future leader. A leaky shield allows a small percentage of incoming missiles to hit their targets, while destroying most missiles. This establishes a credible threat of a retaliatory strike whose success is commensurate with the size of the defender. If the number of missiles getting through the shield is proportionate to the number launched, the destructive potential of the foe rises with its size. Costs and benefits are kept in balance so neither side will risk the expected punishment.

Leaks in the defense are essential to provide the stability all seek against nuclear war. Therefore, the technology should be shared and the United States should guarantee that a shield will never approach 100 percent effectiveness. Just how much leakage is optimal is a difficult question to which our best minds should turn as we negotiate the shift from MAD to a truly new world order.

— Bruce Bueno de Mesquita

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Republican question will be, 'Where did the prosperity go and how do we get it back?'" And, while pointedly noting that the administration inherited the worsening economy from Bill Clinton, Bush will use it as a lever to expand his legislative agenda. There is now talk among congressional Republicans of pushing for capital gains tax cuts and corporate tax credits to stimulate business investment—and of linking these to Bush's energy policy and his request for "fast track" trade authority, and selling the whole thing as an economic recovery package. "I see things other than just worrying about appropriations this fall," says Bill Hoagland, staff director for the Republican minority on the Senate Budget Committee. "I see a focus shifting to the economy in a big way."

Senate Republicans like Pete Domenici, the ranking minority member on the Budget Committee, are even beginning to justify new spending as a means of economic stimulus. The White House has not made that argument yet, but it may be reserving the right to make it down the road. At some point, after all, Bush and the Senate Democrats will likely make a deal on funding for defense and education. "The president is not going to get his defense request unless he gives [Senator Tom] Harkin and the Democrats some additional spending on education," says Hoagland. But those two appropriations bills cannot move until Congress passes, and Bush signs, legislation increasing the spending caps mandated by the 1997 balanced budget agreement. When Bush has to make that budget-busting deal—the likely endgame of this fall's appropriations process—look for him to adopt Domenici's Keynesian rhetoric. "That's probably what the administration has started to set up," says one Republican congressman close to Bush.

ULTIMATELY, THE BUSHIES hope this fall's crusade against the recession will usher in a new political era in which fetishizing the Social Security lockbox and reducing public debt are no longer politically potent ideas. Daniels already derides debt reduction as paying off "foreign" bondholders, and another White House aide says that "until now we've been content to go along with the Clinton idea that repaying debt today has something to do with Social Security tomorrow. And the more radical Republican position is that the debt balance of the U.S. has nothing to do with that." Hoagland adds, "There's nothing here to preclude us from spending the Social Security surplus."

All of which suggests an interesting historical irony. In 1992 Clinton campaigned on a pledge to stimulate a still-sluggish economy but then focused his first budget entirely on deficit reduction. Making fiscal discipline the highest priority of American economic policy turned out to be brilliant, and it created a political dynamic that redounded to Clinton's benefit throughout his presidency. Now Bush is trying the opposite—abandoning the fiscal discipline he preached during the campaign and focusing his first-year budget on the need to stimulate a sluggish economy. No one knows whether it will work. But unless the Bushies keep getting the awful economic numbers they received this week, it doesn't have a chance. ■

Belgium's delusions of grandeur.

Leopold's Ghost

By DAVID A. BELL

IT SOUNDS LIKE a Monty Python routine. Question: What do Ariel Sharon, Iran's Ayatollah Hashemi Rafsanjani, and a former president of Chad have in common? Answer: They're all wanted by the Belgian police. Yet there is nothing whimsical about the proceedings now under way in Brussels, where Israel's prime minister is under investigation for his role in the 1982 massacres at the Sabra and Shatila refugee camps. In theory, if Sharon travels to the wrong country, Belgium could have him arrested and extradited, just as Britain arrested General Augusto Pinochet in 1998 and nearly extradited him to Spain. The same could happen to Rafsanjani, whom Belgium implicates in the torture of prisoners, and to Chad's former President Hissène Habré for atrocities committed under his rule. A jury of ordinary Belgians has already handed down convictions in the trial of four Rwandans who took part in that country's 1994 genocide.

Why are Belgian juries determining an Israeli prime minister's guilt for events that occurred in refugee camps in Lebanon? Because, under a 1993 law, Belgium claims jurisdiction over crimes against humanity committed by anyone, anywhere in the world. All it takes to initiate a prosecution is for a victim to lodge a complaint and for a Belgian investigating magistrate to declare the case worth pursuing. In July Judge Patrick Collignon did just that in response to complaints filed against Sharon by victims of the Sabra and Shatila massacres and by pro-Palestinian lawyers. As a result, Israel has canceled Sharon's planned trip to Belgium and hired a Brussels human rights lawyer to defend him.

With its case against Sharon, Belgium has taken a farcical lead in one of the more dubious aspects of globalization: the globalization of criminal justice. True, transnational justice has occasionally achieved impressive results, notably in the trials of accused Balkan war criminals before an international tribunal in The Hague. But it is one thing for international institutions, acting on behalf of a true international consensus, to launch a prosecution. More often, as in the Belgian case, "global justice" is simply politics by other means. The charges, filed by the defendants' political opponents, prompt countercharges from the other side. Already, a survivor of the PLO's 1974 Ma'alot massacre has filed a still-pending suit in a Belgian court against Yasir Arafat.

And the problem isn't just that Belgian-style international justice constitutes politics by other means. It often constitutes *illiberal* politics by other means—because it's much easier to build cases against democracies. After all, the Pales-

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tinian Authority is not likely to hand over papers detailing Arafat's role in the Ma'alot raid. Nor is Iran likely to provide Belgian magistrates with confidential papers from its Ministry of Justice. But, effectively, Israel already *has* cooperated with the Belgians, thanks to the voluminous public proceedings of the Kahan Commission, which in the 1980s thoroughly investigated the Sabra and Shatila massacres and found Sharon guilty of "indirect responsibility" for the slaughter of up to 2,000 Palestinians by Lebanese Christian militias. Judge Collignon drew much of his evidence from the Kahan Commission. So, ironically, the fact that Israel's judicial system takes human rights seriously makes the country's leaders not less subject to international prosecution but more.

IN ONE SENSE, Belgium's law is simply part of a general European trend of extending jurisdiction beyond national borders, especially where Israel is concerned. For instance, when Israel recently named Carmi Gillon, former head of the Shin Bet security service, as its ambassador to Denmark, the Danish Justice Minister warned that he might face charges arising from Shin Bet's alleged use of torture if he set foot in Copenhagen. (Copenhagen has since conceded Gillon's diplomatic immunity, but his arrival there has provoked numerous protests.)

But the Belgians have a particular craving for the international human rights spotlight. Foreign Minister Louis Michel has emerged as a leading European voice on African genocide, on far-right Austrian leader Jörg Haider, and on the Middle East. Last February he obliquely threatened Israel with trade sanctions over its response to the intifada, a serious matter since the Antwerp diamond trade makes Belgium one of Israel's largest trading partners. Publicly, Michel has criticized Sharon's prosecution and called for exempting incumbent heads of government from the 1993 law. But the prosecution is popular among large chunks of the Belgian public—particularly supporters of the anti-Semitic far right, the Muslim immigrants who now make up more than 3.5 percent of the country's population, and the intellectual left, which has long viewed Israel as a pseudo-colonial power. Following protests from Socialist and Green parliamentarians, the Belgian government recently postponed any reconsideration of the law until 2002.

More fundamentally, Belgium's penchant for unilateral humanitarian action has roots in the country's vexed history. Following successive rule by the Spanish, Austrians, French, and Dutch, Belgium finally gained independence in 1830, only to find itself a nation in search of a raison d'être. The country was dwarfed by neighboring France, lacked powerful national traditions such as those in the neighboring Netherlands, and was starkly divided between speakers of French and Dutch. Belgian leaders turned to humanitarianism as a source of national identity and as a way of using the country's powerlessness to its advantage. As the late-nineteenth-century King Leopold II grandiosely put it, "[P]eoples of the second rank," like the Belgians, could "act as useful members of the great family of nations by serving the cause of mankind." Hence Belgium's ostentatious neutrality between the great powers, which the Germans famously and gruesomely violated in both world wars.

Unfortunately, the Sharon case is not the first time Belgium's humanitarian pretensions have ended up serving distinctly non-humanitarian ends. King Leopold II himself established an international association for the exploration of Africa, claiming that only a neutral power could guarantee such a body's humanitarian mission. Promising to end slavery and bring civilization to a supposedly barbarous continent, the king used the association as cover to establish his own sovereignty over what became the Belgian Congo. Over the next several decades, Belgium exploited its colony's riches, particularly rubber, with unparalleled ruthlessness, causing the deaths of millions of Africans forced into virtual slave labor.

As Adam Hochschild points out in his book *King Leopold's Ghost*, Belgium's conduct in the Congo constituted a crime of genocidal dimensions. Yet this history remains largely unacknowledged in Belgium itself. The Belgian Royal Museum of Central Africa offers few clues as to Leopold's horrors. Nor does Brussels have a monument to the victims. And, needless to say, Leopold's Congolese victims had no chance to bring suit against him in a Belgian court. Belgian politicians might consider addressing this lingering human rights question before giving lessons to the rest of the world. ■

What Greenspan is doing wrong.

Spoon Fed

By JAMES J. CRAMER

ALTHOUGH THE FEDERAL RESERVE cut interest rates last week—for the seventh time in nine months—the economy continues to sputter. Which has led to a lot of throat-clearing about whether the Fed still has the power to break recessions. "Investors are now complaining that Alan Greenspan ... is 'pushing on a string,'" *The New York Times* reported this week. "The Fed can cut rates, but it cannot force companies to buy new equipment or consumers to spend more, the pessimists point out." Or, as *Washington Post* columnist David Ignatius put it, "[Greenspan] can lead investors to water, but he can't make them drink."

Nonsense. The Fed still has more than enough power to rescue the economy. It's just not using it. Instead of dropping matches on cold coals—that is, reducing short-term interest rates 25 basis points at a time—the Fed ought to pour on a little lighter fluid and cut rates by 100 basis points. A drastic step? Sure. And it will work.

Such a big cut would help, first, by reinvigorating the stock market. Right now investors are spooked by the hit they have taken these past 18 months. They'd rather keep their money on the sidelines—say, by putting it in bank cer-

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tificates of deposit (CDs), which yield steady, if moderate, interest payments. As a result, even companies performing reasonably well can't get the money they need to finance expansion and pay down the massive debt incurred during the last boom. Remember, the stock market is supposed to be a vehicle for financing business expansion.

The way to fix this situation is to make "safe" investments like CDs less attractive, relatively speaking. And since banks base their interest payments to depositors on the Fed's short-term rates, the easiest way to do this is to keep cutting those rates until private equities start to look enticing again. For example, when you take the short rates to 2.5 percent, a stock like Philip Morris, which reliably yields an annual return of close to 5 percent, will spring up dramatically. So will other high-yielders like DuPont, Dow, and even Ford.

Cutting short-term rates deeply will also allow the banks to make more money themselves, which is equally essential for growth. When banks take money from depositors, they can invest it overnight in two-year Treasury bills; the "spread" between the interest they pay depositors (based on the federal funds rate) and the interest they get from the T-bills is profit. But right now the fed funds rate is almost equal to the yield on two-year T-bills, so banks can't make money this way. Not until the fed funds rate drops to 2.5 percent will banks take depositors' money, lever it up, and lock in a good rate of return by buying two-year bills. This trade, which helped save Citigroup (then Citicorp) and a host of other banks from bankruptcy in the early '90s, generates a massive amount of liquidity for banks. More liquidity means more loans, and more loans mean a growing economy.

Finally, lowering short-term rates would weaken the dollar. All year long, currency speculators have been going long on dollars—that is, buying them up, then holding onto them—because high interest rates make the dollar an attractive longer-term investment. The lower the Fed takes interest rates, the less attractive holding onto dollars will seem. Speculators will then start moving over to euros—i.e., going long on euros and short on dollars, rather than the other way around—and the dollar's value will decline.

And that would help American business. A strong dollar makes American goods too expensive relative to competitors from foreign countries, thus depressing sales. International Paper, for example, is having trouble competing with paper producers from Canada and Sweden because the strong dollar inflates the price of its exports. Meanwhile, some big American exporters, like pharmaceutical and food companies, are paid in local currency when they sell their goods abroad. Converting that currency into dollars is a very expensive transaction given the current dollar-euro spread. The currency disparity cost U.S. companies billions of dollars in profits last quarter alone.

So why won't Greenspan turn on the gas? Because he thinks the economy may be recovering already. Last year, when he wanted to break the economy, he increased rates too hard, too fast, and now look at the mess he has created. He fears that, with four straight months of positive leading indicators, a tax rebate now in the bank, and dramatically lower energy costs, things might just be getting hot on their own. He doesn't want people to look back at 2001 and say, "The economy was already catching fire, and he doused it with nitro. Greenspan overreacted again."

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But the truth is that there's almost no danger of the economy overheating. Those $300 tax-rebate checks were supposed to stimulate back-to-school sales, but the figures are still disappointing. Indeed, with the possible exception of the housing sector, there's no momentum in any sector of the U.S. economy. Greenspan is bound to recognize this eventually. But "eventually" means recovery in 2002 at the earliest, too late to save this year from being the weakest in a decade. Which is why there's good reason to doubt Alan Greenspan—just not the institution he heads. ■

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Jenin Dispatch

Blighted Harvest

By Joshua Hammer

The taxi snaked through the streets of the Jenin refugee camp, past shuttered storefronts and walls papered over with posters commemorating the city's latest martyrs. After circling the camp three times and switching cars twice, we pulled up before a small cinder-block house. A Kalashnikov-toting guard ushered me into the back room, where a masked guerrilla from Islamic Jihad was waiting. "We have to be careful," explained the 38-year-old fighter, who uses the nom de guerre Abu Abdullah. "The streets are full of collaborators and spies." But being careful doesn't mean stopping the war. To the contrary, over the last few months, Abu Abdullah claims to have recruited and prepared a half-dozen suicide bombers for strikes inside Israel. "We want to make all Israelis feel frightened by creating horror inside their country," he said. "It is no problem for us to infiltrate the enemy."

Nestled among arid hills in the northern West Bank, just 60 kilometers east of Haifa, this sun-baked farm town of 30,000 has been producing a lethal bumper crop. Nine of the two dozen suicide bombers who have carried out attacks against Israel since the intifada began a year ago came from Jenin or surrounding villages. They include Izzedin Masri, the Hamas terrorist who blew himself up in a Jerusalem pizzeria on August 9, killing 15, and Mohammed Nasser, a former cop who detonated a bomb in a Haifa café three days later, injuring 21.

Jenin, one of the most parochial Palestinian towns, has always been more receptive to extremist messages than more cosmopolitan cities like Ramallah. "It's a town full of hicks," the editor of a Palestinian newspaper in East Jerusalem told me. Radical Islamicists began moving here from Gaza in the early 1980s and found willing disciples in Jenin's refugee camps. For a time, after Oslo, they went underground: Israeli Jews and Arabs flocked in from the Galilee to buy cheap produce and furniture; Palestinians commuted across the Green Line to well-paying jobs inside Israel. But all that collapsed with the intifada. Israel's closure of the border put thousands out of work, and more than 60 people from the area have died in clashes with the Israeli military in the last year, radicalizing many locals. The Palestinian Authority—which, under pressure from the Israeli and U.S. governments, once jailed terrorists—released almost all of them last October. "How can I stop the suicide bombers?" asked Jenin's acting governor, Haidar Irshid, when I visited him at city hall just hours after Israel razed Jenin's police station in response to the latest bombing attacks. "The occupiers are at the door, so I cannot tell my 'sons' to stop. The people of Jenin say that Hamas and Islamic Jihad create a sense of balance, because the Palestinians have no force and the Israelis have all the force."

The bombers come mainly from Jenin's refugee camp, a labyrinth of cinder-block houses and rutted dirt roads populated almost exclusively by poor families who fled from Haifa, Afula, and other northern Israeli towns in 1948. At the entrance to the camp hangs a larger-than-life-sized poster of Jenin's first martyr, Osama Abul Hija, a baby-faced bomber from Islamic Jihad who blew himself up in Hadera last May, injuring 40 Israelis. A few blocks away, armed guerrillas roam the camp's main mosque, temporarily being used as a Hamas recruitment center. Four masked terrorists, two clad in the white gowns that signify their commitment to death by suicide bombing, were holding court in a second-floor office when I arrived. "We were calm after the cease-fire in June, but then Israel crossed a line by assassinating our leaders," one told me. "Rest assured, we will be sending more and more messages to Sharon." Outside, a half-dozen children clustered excitedly around Sheik Abu Al-Jamal Hadya, the group's 41-year-old spiritual leader, who told me the number of would-be martyrs has soared in the last two months. "Small boys come to the mosque to volunteer to blow themselves up," he said. "I tell them, 'Calm down, *habibi*. Read the Koran, pray in the mosque, and when you grow up you can be a bomber, too.'"

Fueling the death spiral is a furious competition between Hamas and Islamic Jihad, which keep a close tally on the number of martyrs each produces and, after each attack, cover the walls of Jenin with hastily printed posters of the bomber. (Jihad is currently leading, five martyrs to four.) While Hamas is far larger than Islamic Jihad, observers say Jihad is better organized and has deeper roots here. Jihad's popularity soared, sources say, after the group's military leader in the northern West Bank, Iyad Hardan, 25, was killed in a booby-trapped phone booth four months ago. His funeral drew 100,000 people into Jenin's streets, and volunteers flooded the organization. Among them was Haifa bomber Mohammed Nasser, 28, a former Palestinian Authority policeman who had guarded Hardan in his last months and had converted to Jihad's cause.

In interviews, several terrorists in Jenin explained how suicide bombers are trained. All the would-be martyrs are volunteers, Islamic Jihad officials told me, and initially most are turned away. If they come back repeatedly, they are screened, pledged to secrecy, and entered into a program aimed at solidifying their religious zeal. "[Often] their Islam is like the sugar in the glass: You need to stir it up to arouse the faith," said Hamzu Abu Rot, an Islamic Jihad fighter I met at a memorial service for Nasser. "They need a period of intense faith-building to increase their courage." Some would-be bombers, he told me, are brought to Jenin's cemetery at night and are made to dig their own graves, then lie in them; others are shut inside a white coffin for hours. "We want him to feel his death," Abu Rot said. The bomber spends his final days in isolation, marked by round-the-clock Koranic study and prayer. Then he is handed a crude bomb—

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usually a mixture of ammonium nitrate, nails, and fuses stuffed into a belt or a backpack—and guided to one of the footpaths or dirt roads that lead into Israel. Just before the bomber departs, he is given a last pep talk. According to Abu Rot, "We tell him, 'Go with God, think of Jerusalem, remember the martyrs, and take revenge for their deaths.'"

That's how Islamic Jihad prepared Nasser for his deadly mission on August 12. Days after Nasser's death, I trudged up a hill toward his home, past dozens of female mourners in white headscarves who clutched snapshots of the dead ex-cop. Receiving guests in Nasser's bedroom, his father and three brothers seemed to be in a state of shock. Mahmoud Nasser, a 77-year-old olive farmer, said he was still waiting for Israel to deliver his son's remains so he could give him a proper burial. "I would have told him, 'Don't do it,'" the old man mumbled. "Nobody wants to see his son die." The sons of Jenin, however, don't see it that way. ■

Columbia Dispatch

Southern Brawl

By JASON ZENGERLE

FUNERALS TEND TO be bipartisan affairs. So last week, when the 73-year-old South Carolina Representative Floyd Spence was laid to rest, Republicans, who counted Spence as one of their own, and Democrats, who did not, came together to mourn him. Inside Columbia's cavernous First Baptist Church, politicians of all ideological stripes—from Dick Cheney and Dennis Hastert to Patricia Schroeder and John Spratt—greeted one another with backslaps and sorrowful shakes of their heads. But no amount of reverence for the dead could bring together South Carolina's Democratic governor, Jim Hodges, and its Republican attorney general, Charlie Condon. At the funeral, the two most powerful men in state government would not acknowledge each other's presence with so much as a nod.

It wasn't hard to figure out why. The state constitution effectively makes Condon, as attorney general, the governor's lawyer. But the state's election calendar makes him a Republican gubernatorial hopeful, and thus the incumbent governor's chief nemesis. So Condon has spent the last few years rendering legal opinions aimed at undermining Hodges's agenda, launching five separate legal investigations into Hodges and his allies, and—in an unprecedented move for South Carolina—actually suing the governor. As Condon boasted shortly after announcing that he intended to challenge Hodges in the 2002 governor's race, "I'm their worst nightmare."

Hodges says he doesn't bear Condon any ill will—that he didn't snub the attorney general at Spence's funeral; he simply didn't see him. But he does complain that "all his investigations and actions are explained by him wanting to be governor." And others close to Hodges put things a bit more bluntly. "Charlie Condon's not constrained by the philosophical, ethical, or moral constraints that most human beings use to define their lives," says South Carolina Democratic chair Dick Harpootlian. "He'll say and do anything to get a vote.... It's pure venality." The politics of personal destruction may be in remission in Washington, but in Columbia they're alive and well.

JUST AS MANY national Republicans viewed Bill Clinton as an illegitimate president, many South Carolina Republicans view Jim Hodges as an illegitimate governor. One reason is that Hodges's 1998 victory over incumbent David Beasley put an abrupt halt to South Carolina's seemingly inexorable transformation from a one-party state ruled by the Democrats into one ruled by the GOP. Until Hodges's win, Republicans had held the governor's mansion for twelve straight years, and they had recently taken control of the state House of Representatives for the first time since Reconstruction. Also contributing to the Republican perception of Hodges as an imposter were the strange dynamics of the 1998 race. Confederate-flag supporters, normally reliable Republican voters, backed Hodges to punish Beasley for having led an unsuccessful campaign to remove the flag from the State Capitol. And the gambling industry spent at least $3 million to defeat Beasley after he tried to outlaw the video poker machines that were then a staple of South Carolina gas stations and convenience stores. To many South Carolina Republicans, then, Hodges's election was at best a fluke.

Condon certainly seems to believe that. Although he didn't become a Republican until 1990—he actually stumped for Michael Dukakis in 1988—Condon quickly rose through the GOP ranks, winning the attorney general race in 1994 and reelection in 1998. And, when Beasley's defeat left a power vacuum atop the state GOP, Condon aggressively moved to fill it. Even before Hodges was sworn in, Condon challenged him to use the $2.2 billion from the state's tobacco settlement for tax cuts rather than for education, children's health care, and anti-smoking programs, as Hodges had proposed.

Condon stayed on the attack after Hodges took office, challenging the governor's authority to replace members of a state utilities board with his own appointees. He called on Hodges to fire his public-safety head because of delays in issuing drivers' licenses at the DMV, and his state revenue department head for sending some of her employees to a conference at an island resort. He even attacked the governor's efforts to get drivers to wear seatbelts.

But late last year, a few days before South Carolina was to hold a referendum on permitting a state lottery—a lottery crucial to funding Hodges's education initiatives—Condon took his anti-Hodges crusade up a notch, charging the governor with ethical lapses. Condon announced he was launching an investigation into whether Hodges had solicited officials at Merrill Lynch for contributions to the pro-lottery campaign, with the understanding that a contribution would mean favorable treatment for Merrill Lynch when the state decided which investment banks would handle $800 million in state tobacco bonds. A few days later, Condon asked the

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state ethics commission to look into whether Hodges violated ethics laws by using money from his personal campaign war chest on the pro-lottery campaign.

The ethics commission ultimately dismissed Condon's complaint, since the lottery was central to Hodges's agenda and thus a legitimate place to put his own campaign money. And Condon dropped his own ethics investigation several months later, concluding that he had found "no hard evidence" that any laws had been broken. But the attorney general remained undeterred. More investigations of Hodges and his allies followed until this July when, finally, Condon decided to do something no South Carolina attorney general had ever done: sue the governor.

The underlying issue was a budget maneuver Hodges had employed the month before. Seeking to avoid substantial tuition hikes at South Carolina's state colleges and universities, Hodges had vetoed a slew of cuts in higher-education spending passed by the South Carolina legislature. Then, to balance the budget, as the state constitution requires, Hodges asked the schools to return $28.5 billion that the legislature had appropriated to them. It was a neat budgetary trick—one that kept tuitions in check and the budget balanced—but Republican legislators branded it a power grab and asked Condon to sue, a request he obliged. Of course, this did create one small technical problem. Normally, when the governor is sued, the attorney general represents him. But, as Hodges acidly notes, "You can't be someone's attorney and then be suing them at the same time," so the governor has hired outside counsel.

As one might imagine, pitched warfare between a governor and an attorney general does not exactly facilitate the smooth working of state government. Some pro-Hodges government officials have been reluctant to go to Condon for legal advice; and when they have, they have sometimes been rebuffed. Indeed, even when Hodges and Condon seem to agree, they can't agree. A few weeks ago, Hodges announced that he opposed the federal shipment of surplus plutonium to South Carolina, saying that state troopers would set up roadblocks to prevent the plutonium from entering the state. Condon seconded Hodges's opinion that the plutonium shouldn't come into South Carolina but blasted the roadblock strategy and said he was instead filing suit against the feds to stop the shipments. He urged Hodges to support the suit: It was important, Condon said, that the state speak with one voice.

Condon's assault on Hodges is of a piece with his larger media strategy. Although he declined to be interviewed for this article, Condon is a publicity hound of the first order—a man famous for declaring that the state's slow pace of executions was an argument for an "electric sofa," and for crafting the "Invade a Home and Invite a Bullet" policy, under which South Carolinians who shoot home invaders aren't prosecuted. But this relentless self-promotion does get old, even for Republicans. As John Graham Altman, a Republican state representative, recently put it, "Charlie has a fax machine that fires from the hip."

And, notwithstanding the appeal that attack politics has traditionally held among South Carolina's right-wing hardliners (just ask John McCain), more pragmatic Republicans wonder whether Condon's crusade against Hodges—like the campaign against Clinton a few years ago—might backfire. Six candidates are challenging Condon in the GOP gubernatorial primary. And it's no secret that many in the party would prefer to see one of them, namely Lieutenant Governor Bob Peeler or former U.S. Representative Mark Sanford, become the nominee. If Condon were to win his party's nomination, frets Republican consultant and Peeler supporter David Woodard, "I don't know how he could endear himself to the mainline voters you need to win the general election." Apparently, Jim Hodges isn't the only South Carolinian who wishes Charlie Condon would go away. ■

Who's spying on judges?

Chamber Music

By Jeffrey Rosen

Federal judges are about to make a crucial decision on workplace privacy, but you won't read about it in a court opinion. On September 11, the Judicial Conference of the United States, the organization with ultimate authority over the internal operation of the federal courts, will decide whether to approve or dismantle a computer program that monitors judges and their staff members when they use the Internet on the job. Defenders of the program say judges should accept the same invasions of privacy their decisions have imposed on other American workers.

But the truth is that the courts haven't ruled definitively on whether Internet browsing and e-mail should be treated as public or private. And so the judges face a momentous choice. If they turn off the monitoring software, the members of the Judicial Conference—composed of 27 judges of the federal appellate and district courts—can set an example that will help other employers resist the relentless expansion of Internet monitoring that is transforming the American workplace. But if they meekly surrender their own liberties, the judges will accelerate the entrenchment of a surveillance state.

The brief history of Internet monitoring in the judiciary shows how easy it is for large bureaucracies to eviscerate their employees' privacy without anyone thinking very hard about it. According to internal court documents, Leonidas Ralph Mecham, a powerful bureaucrat who directs the Administrative Office of the U. S. Courts (known as the AO), last December told the Judicial Conference's Committee on Automation and Technology that judges had been complaining about poor Internet response time because of increased traffic during business hours. After investigating, Mecham discovered that between 3 percent and 7 percent of the judiciary's browser traffic involved streaming media, such as audio and video downloads, which slow down

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servers by taking up bandwidth.

Concluding that the bulk of this traffic was unrelated to official activities and was placing a financial strain on the judiciary, Mecham decided in January to activate two filters on the firewall software that had been installed to identify potential hackers. (His job, after all, is to protect efficiency, not privacy, and he says he was acting with the approval of the Committee on Automation and Technology.) The filters were programmed to record downloads of MPEG movie files and MP3 music files and to generate reports that were sent to Mecham's deputy, Clarence Lee. If Lee decided the files were "inappropriate"—a vague and undefined standard—he would send a letter to the chief judge of the relevant circuit identifying the files and the computers from which they were downloaded and recommending disciplinary action.

The AO appears to have performed its task with enthusiasm. In a memo objecting to the monitoring program, Mary Schroeder, chief judge of the Ninth Circuit, recalled that Lee "apparently felt the information so urgent that he advised the manager of the hotel in which I was staying in Washington that a courier was en route with a high-priority, confidential message for me.... Imagine my surprise to discover that use of the Internet to download music or movies had risen to the ranks of a national security issue." Worse, the reports were deeply embarrassing to the employees concerned: A letter Lee sent on March 5 contains a list of all the movies accessed by a particular user between 12:12 p.m. and 1:35 p.m., including */bigtits/bix/mer021/3.mpg* and */personal4/fuckmovie/asian/07.mpg*.

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At the end of May, the Judicial Council of the Ninth Circuit decided to turn off the monitoring software for the courts under its administrative control, including the Eighth, Ninth, and Tenth Circuits. As Chief Judge Schroeder explained in a separate memo, the judges were concerned "about the propriety, and even the legality, of monitoring Internet usage by court employees" without their consent. In addition, "many judges were concerned that recording and monitoring information kept by the AO would be an inevitable part of any Senate confirmation process." Mecham peevishly responded that the decision to turn off the software might have compromised the security of the Tenth Circuit's website during the Timothy McVeigh trial, even though the technical staff of the Colorado district court subsequently found that it had not.

In a separate memo to the AO's general counsel on May 29, Judge Alex Kozinski of California, the leading opponent of the monitoring program, explained in detail why he had concluded that the monitoring policy "may have violated the privacy rights of hundreds of our employees and exposed the judiciary to the risk of civil liability (including statutory damages of $10,000 per violation) under the federal wiretap statute." The relevant law, the Electronic Communications Privacy Act, imposes civil and criminal liability on any person who "intentionally intercepts ... any wire, oral, or electronic communication." The privacy act allows the interception of communications with the consent of one of the parties concerned, but Kozinski noted that Mecham had installed the monitoring program without notifying the vast majority of judicial employees, let alone securing their consent. Kozinski was especially incredulous because the AO had issued a memo in 1996 warning local courts that surreptitious monitoring is probably illegal and shouldn't be allowed without the consent of all users. For these reasons, Kozinski tentatively concluded that "the policy has violated and continues to violate the federal wiretap statute"; that

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"we may have a duty to notify our staff all over the country that their rights have been violated and civil remedies might be available to them"; that "we may also have a duty to notify the Justice Department and give it an opportunity to start a [criminal] investigation"; and that "if there is a possible criminal investigation . . . some thought ought to be given to hiring a private lawyer for Mr. Lee."

Moving beyond the legal questions, Kozinski pointed out in a follow-up memo how dangerous it is for judges to allow unaccountable bureaucrats to decide what kind of Internet use is "appropriate." "Is it legitimate for employees to read newspapers online?" he asked. "To see Chief Justice Rehnquist speak in streaming video? To listen to streaming audio while at work? (If not, why have we all been given computers with speakers?)" The chairman of the Committee on Automation and Technology, for example, is a judge who has cheerfully acknowledged that he spends a few minutes a day browsing the NASCAR website, which includes streaming video. Does anyone think this is wrong? "We cannot leave such judgments to the people who run the AO—whose only interest seems to be what smut some poor deputy clerk is looking at during his lunch break," Kozinski concluded.

Rather than respond directly to Kozinski's memo, Mecham dug in his heels. The AO insisted tendentiously that the monitoring was necessary to protect the judiciary from embarrassment and legal liability, even though the program arguably had the opposite effect. Mecham also told some judges that Chief Justice Rehnquist supported the monitoring policy, even though Rehnquist has not publicly expressed an opinion on it. Then, on July 27, the Committee on Automation and Technology, which is staffed by judges sympathetic to Mecham, recommended that the full Judicial Conference endorse and expand the monitoring program when it meets in September. "To guarantee beyond doubt that adequate notice will have been given," the committee recommended that each court prominently display a banner notice on every computer screen declaring that Internet use may be "viewed and recorded, that the employee's use of the system constitutes consent to such viewing and recording, and that uses inconsistent with applicable use policy may result in disciplinary action."

IF IT APPROVES the banner warnings, the Judicial Conference will protect the monitoring program against the most powerful legal attack: that employees can't consent to surveillance when they're not aware of it. (The Supreme Court hasn't yet decided, however, whether consent to monitoring can be freely given when it's obtained at the cost of losing your job.) But, although two-thirds of federal agencies have adopted similarly sweeping banner warnings, nothing in the law compels employers to adopt the most invasive monitoring possible. And, happily, some courageous judges have joined Kozinski's crusade. On August 18 Judge Edith Jones of the Fifth Circuit—an enthusiastic conservative who was on George H.W. Bush's Supreme Court shortlist—produced an especially stinging critique. In a letter to Judge Edwin Nelson of Alabama, chair of the Committee on Automation and Technology, Jones objected that the new monitoring program would perpetuate, rather than alleviate, the problems of the old one. "The recommendations would advise judicial branch employees that *no one, including judges, has any expectation of privacy* in his use of government computers for Internet or e-mail purposes," she wrote. "This is the equivalent of sanctioning wiretapping of telephones or searches of office files to 'prevent unauthorized use of government property.'"

Rejecting the increasingly common assumption that employees must surrender all privacy rights as a condition of employment, Jones argued that the judiciary should have to show a serious and identifiable problem—involving genuine risk of security breaches, for example—for which blanket monitoring is the only solution. (She noted that the filtering software had discovered only a few dozen examples of misuse among the judiciary's 30,000 employees.) Adopting a formula used in First Amendment cases, Jones also suggested that, in the interest of privacy, the judiciary should adopt the least intrusive, rather than the most intrusive, means of discouraging Internet misuse. She noted that, after local courts were warned in March to discourage employees from viewing streaming audio, the downloading of music and movies dramatically declined. "If exhortation is sufficient to discourage inappropriate use," she asked, "why undertake random snooping?"

SOME MIGHT DETECT a hint of special pleading in Jones's letter. She protests, for example, that "the demands of hierarchy, longstanding custom and common sense suggest that judges ought to decide autonomously on the appropriate types of Internet and computer use for their individual chambers," even though most public employers have no such luxury. This is consistent with the trend toward increasing judicial self-regard: Judges tend to be most outraged about invasions of privacy when their own is at stake. Is anyone surprised that the Supreme Court has found that random drug tests of urine are perfectly permissible for railway employees and student athletes but unconstitutional for judges? But if it takes a threat to their own privacy to alert federal judges to the dangers of workplace monitoring for the rest of us, so be it.

It's still unclear whether members of the Judicial Conference will challenge Mecham and defend the right to download porn when they meet in September. "I really don't know what's going to happen," says Kozinski. "But if we federal judges can't stop this thing, nobody can. We're not as afraid of liability as other people are—we're the ones who decide these cases, so we don't have the same exposure—and we have a bureaucracy that has basically run amok. If we manage to defeat this thing, there's a decent chance that some of these federal judges will realize that employees should have rights to say no to monitoring, even if an employer might demand it. If we can't stop this thing, we might as well resign ourselves to the fact that the computer is like a postcard, not like a telephone." Let's hope that America's federal judges, who are given life tenure so they can protect the liberties of other people, will have the courage to stand up for their own. ■

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EDDIE GUY

The conservative case against racial profiling.

Arrested Development

By JAMES FORMAN JR.

THE MAYA ANGELOU Public Charter School in Washington, D.C., is the kind of institution conservatives love—a place that offers opportunity but demands responsibility. Students are in school ten and a half hours per day, all year long, mostly studying core subjects like reading, writing, math, and history. When not in class, they work in student-run businesses, where they earn money and learn job skills. Those who achieve academically are held in high esteem not only by their teachers but by their peers. Those who disrupt class or otherwise violate the rules are subject to punishment, including expulsion, as determined by a panel of students and teachers.

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The results have been impressive. Most Maya Angelou students had academic difficulty at their previous schools. In fact, more than one-half had stopped even *attending* school on a regular basis before they came to Maya Angelou, while more than one-third had been in the juvenile court system. Yet more than 90 percent of its graduates go on to college, compared with a citywide rate of just 50 percent. This success stems in part from the school's small classes, innovative curriculum, and dedicated staff. But it is also due to its fundamentally conservative ethos: If you work hard and don't make excuses, society will give you a chance, no matter what your background is.

I can speak to this with some authority because I helped establish the school four years ago and still teach an elective there today. But, for all the school's accomplishments, we keep running up against one particularly debilitating problem. It's awfully hard to convince poor, African American

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kids that discrimination isn't an obstacle, that authority must be respected, and that individual identity matters more than racial identity when experiences beyond school walls repeatedly contradict it. And that's precisely what's happening today thanks to a policy many conservatives condone: Racial profiling by the police.

The prevalence of racial profiling is no secret. Numerous statistical studies have shown that being black substantially raises the odds of a person being stopped and searched by the police—even though blacks who are stopped are no more likely than whites to be carrying drugs. As David Cole and John Lamberth recently pointed out in *The New York Times*, in Maryland "73 percent of those stopped and searched on a section of Interstate 95 were black, yet state police reported that equal percentages of the whites and blacks who were searched, statewide, had drugs or other contraband." Blacks were actually far *less* likely than whites to be found carrying drugs in New Jersey, a state whose police force has acknowledged the use of racial profiling. According to Cole and Lamberth, consensual searches "yielded contraband, mostly drugs, on 25 percent of whites, 13 percent of blacks and only 5 percent of Latinos."

Behind these statistics are hundreds if not thousands of well-chronicled anecdotes, some from America's most prominent black citizens. Erroll McDonald, vice president and executive editor of Pantheon publishing, was driving a rented Jaguar in New Orleans when he was stopped—simply "to show cause why I shouldn't be deemed a problematic Negro in a possibly stolen car." Wynton Marsalis says, "Shit, the police slapped me upside the head when I was in high school. I wasn't Wynton Marsalis then. I was just another nigger standing out somewhere on the street whose head could be slapped and did get slapped."

Even off-duty black police frequently tell of being harassed by their unsuspecting white colleagues. Consider the case of Robert Byrd, an eleven-year veteran of the D.C. police, who was off duty and out of uniform when he tried to stop a carjacking and robbery in Southeast Washington last March. After witnessing the crime, Byrd used his police radio to alert a police dispatcher, then followed the stolen van in his own. Byrd got out of his van as marked police vehicles arrived. According to Byrd, white officers then began beating him in the belief that he was the African American suspect. The real perpetrators were caught later that night.

None of these stories would surprise the students at Maya Angelou. Almost weekly this past spring, officers arrived at the corner of 9th and T Streets NW (in front of our school), threw our students against the wall, and searched them. As you might imagine, these are not polite encounters. They are an aggressive show of force in which children are required to "assume the position": legs spread, face against the wall or squad car, hands behind the head. Police officers then search them, feeling every area of their bodies. Last spring, a police officer chased one male student into the school, wrestled him to the ground, then drew his gun. Another time, when a student refused a police request to leave the corner in front of our school (where the student was taking a short break between classes, in complete compliance with school rules and D.C. law), the officer grabbed him, cuffed him, and started putting him into a police van, before a school official intervened. These students committed no crime other than standing outside a school in a high-drug-use neighborhood. Indeed, despite the numerous searches, no drugs have ever been discovered, and no student has ever been found in violation of the law.

LIBERALS GENERALLY DECRY such incidents; conservatives generally deny that they take place. "[T]he racial profiling we're all supposed to be outraged about doesn't actually happen very much," explained Jonah Goldberg in his *National Review Online* column last spring. And even those conservatives who admit the practice's frequency often still insist it does more good than harm. "The evidence suggests," William Tucker wrote in a recent issue of *The Weekly Standard*, "that racial profiling is an effective law enforcement tool, though it undeniably visits indignity on the innocent."

In other words, liberals—who are generally more concerned about individual rights and institutionalized racism—believe racial profiling contradicts their principles. Conservatives, on the other hand—who tolerate greater invasions of privacy in the name of law and order—consider racial profiling to be generally consistent with theirs. But conservatives are wrong—racial profiling profoundly violates core conservative principles.

It is conservatives, after all, who remind us that government policy doesn't affect only resources; it affects values, which in turn affect people's behavior. This argument was at the heart of the conservative critique of welfare policy. For years, conservatives (along with some liberals) argued that welfare policies—like subsidizing unmarried, unemployed women with children—fostered a culture of dependency. Only by demanding that citizens take responsibility for their own fates, the argument went, could government effectively combat poverty.

But if sending out welfare checks with no strings attached sends the wrong message, so does racial profiling. For the conservative ethos about work and responsibility to resonate, black citizens must believe they are treated the same way as white citizens—that with equal responsibilities go equal rights. In *The Dream and the Nightmare*, which President Bush cites as one of the most influential books he has ever read, the conservative theorist Myron Magnet writes: "[W]hat underclass kids need most ... is an authoritative link to traditional values of work, study, and self-improvement, and the assurance that these values can permit them to claim full membership in the larger community." Magnet quotes Eugene Lange, a businessman who promised scholarships to inner-city kids who graduated from high school: "'It's important that [inner-city kids] grow up to recognize that they are not perpetuating a life of the pariah, but that the resources of the community are legitimately theirs to take advantage of and contribute to and be a part of.'"

Magnet is right. But random and degrading police searches radically undermine this message. They tell black kids that they are indeed pariahs—that, no matter how hard they study, they remain suspects. As one Maya Angelou first-

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year student explained to me: "We can be perfect, perfect, doing everything right, and they still treat us like dogs. No, worse than dogs, because criminals are treated worse than dogs." Or, as a junior asked me, noting the discrepancy between the message delivered by the school and the message delivered by the police: "How can you tell us we can be anything if they treat us like we're nothing?"

Indeed, people like myself—teachers, counselors, parents—try desperately to convince these often jaded kids that hard work really will pay off. In so doing, we are quite consciously pursuing an educational approach that conservatives have long advocated. We are addressing what conservative criminologist James Q. Wilson calls "intangible problems—problems of 'values,'" the problems that sometimes make "blacks less likely to take advantage of opportunities." But we are constantly fighting other people in the neighborhood who tell kids that bourgeois norms of work, family, and sexuality are irrelevant and impossible. Since the state will forever treat you as an outlaw, they say, you might as well act like one. Every time police single out a young black man for harassment, those other people sound more credible—and we sound like dupes.

THEN THERE'S THAT other vaunted conservative ideal: color-blindness. In recent years, conservatives have argued relentlessly for placing less emphasis on race. Since discrimination is on the wane, they suggest, government itself must stop making race an issue—i.e., no more affirmative action in admissions, no more set-asides in contracting, no more tailoring of government programs to favor particular racial or ethnic groups. In the words of affirmative action critics Abigail and Stephen Thernstrom, it's essential to fight the "politics of racial grievance" and counter the "suspicion that nothing fundamental [has] changed." Society, says Magnet, "needs to tell [blacks] that they *can* do it—not that, because of past victimization, they cannot."

But it's hard to tell young black men that they are not victims because of their race when police routinely make them victims because of their race. Students at Maya Angelou are acutely aware that the police do not treat young people the same way at Sidwell Friends and St. Albans, schools for Washington's overwhelmingly white elite. As another Maya Angelou first-year told me, "You think they would try that stuff with white kids? Never." Such knowledge makes them highly suspicious of the conservative assertion that blacks should forego certain benefits—such as racial preferences in admissions—because of the moral value of color-blindness. Why, they wonder, aren't white people concerned about that principle when it hurts blacks as well as when it benefits them? And racial profiling makes them cynical about the conservative demand that blacks not see the world in racialized, group-identity terms. Why, they wonder, don't white people demand the same of the police?

Most conservatives who support racial profiling are not racist; they simply consider the practice an essential ingredient of effective law enforcement. But it isn't. Indeed, the great irony of conservative support for racial profiling is that conservative principles themselves explain why racial profiling actually makes law enforcement less effective.

For one thing, discriminatory police practices create unnecessary and unproductive hostility between police and the communities they serve. Imagine that you are 17, standing outside your school during a break from class, talking to friends, laughing, playing, and just relaxing. Imagine that squad cars pull up; officers jump out, shouting, guns drawn; and you are thrown against the wall, elbowed in the back, legs kicked apart, and violently searched. Your books are strewn on the ground. You ask what's going on, and you are told to "shut the fuck up" or you will be taken downtown. When it finally ends, the officers leave, giving no apology, no explanation, and you are left to fix your clothes, pick up your books, and gather your pride. Imagine that this is not the first time this has happened to you, that it has happened repeatedly, in one form or another, throughout your adolescence. Now imagine that, the day after the search, there is a crime in your neighborhood about which you hear a rumor. You know the police are looking for information, and you see one of the officers who searched you yesterday (or indeed any officer) asking questions about the crime. How likely are you to help?

Racial harassment hampers law enforcement in another, more subtle way as well: by reducing the stigma that law-abiding neighborhood residents attach to a person they see being detained by the police. For a community to be vigilant, it must have some idea of who is—and who isn't—a lawbreaker. People generally take their cues on this from a variety of sources, including watching which people the police themselves stop and search. Then they keep a closer eye on those people themselves. But random police searches undermine that calculus. Many black people report that, when they see the police pulling over a car with a black driver or searching a black kid on the street, they don't ask: "What did that guy do?" They instead wonder: "Why is that cop harassing that guy?" The stigma of lawbreaking is weakened. Conservatives—usually the ones arguing for attaching more, not less, stigma to lawbreakers—ought to grasp this intuitively.

IN FACT, FOR all the conservative paeans to New York Mayor Rudy Giuliani, the data show that police forces that win the respect of high-crime communities reduce crime at least as much as those that simply bust heads. Look at San Diego. During the 1990s San Diego police divided the city into small residential units. (According a local captain, "We basically threw out the original beat boundaries. We went to the community and said, 'Where do you think your neighborhood boundaries really begin and end?'") They assigned officers to those specific beats, engaged community leaders in an ongoing dialogue about how to solve various problems, and developed a corps of 1,200 citizen volunteers who became eyes and ears for the police.

Compare this to Giuliani's New York, which (particularly after the departure of Commissioner William Bratton, architect of the city's original police reform program) pursued an ultra-hard-line policy of "zero tolerance." That policy, as practiced by the city's now-notorious Street Crimes Unit, quickly became an invitation to hyperaggressive abuse. The Street Crimes Unit adopted "We Own the Night" as its motto, and some of its officers wore T-shirts emblazoned with the

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Hemingway quote: CERTAINLY THERE IS NO HUNTING LIKE THE HUNTING OF MAN, AND THOSE WHO HAVE HUNTED ARMED MEN LONG ENOUGH AND LIKED IT, NEVER REALLY CARE FOR ANYTHING ELSE THEREAFTER. It was a deliberately antagonistic posture, one that contributed to the attack on Abner Louima and to the killings of Amadou Diallo and Patrick Dorismond. And it has left many black New Yorkers profoundly alienated from the police officers who are meant to protect and serve them. In a 1998 Justice Department survey of citizen satisfaction with police in twelve American cities, San Diego's was the second-highest-rated force; New York's finished third to last.

But the important point for conservatives is that, for all the ill will they sowed, the New York police were *no better at stopping crime than their San Diego counterparts.* In fact, they were slightly worse. In testimony before the Senate Judiciary Committee, University of Toledo Law Professor David Harris said that "while homicide in New York fell 70.6 percent between 1991 and 1998.... San Diego's results were even more impressive ... a fall of 76.4 percent, the best in the country." Statistics were similar for robbery: It fell 60 percent in New York but 63 percent in San Diego. And because they enjoyed more help from average citizens, says Harris, the San Diego police got those results with a much smaller force: The city has just 1.7 officers per 1,000 residents, while New York has 5. In other words, smaller government—something else conservatives care about quite a bit .

AP

And San Diego's experience is not unique. As Heritage Foundation fellow Eli Lehrer has shown, cities that have instituted genuinely community-oriented approaches to policing have reduced crime while simultaneously developing stronger relationships with citizens. The most successful forces do not rely on ironfisted special units like New York's but rather invest in neighborhood patrols. When I brought up Lehrer's thesis to several Maya Angelou students, they found it self-evident. "What do you expect?" asked one. "We know who is doing right and who is doing wrong, and if they talked to us instead of jumping us, they might find out, too." Such words could be music to conservatives' ears—but only if they are willing to listen. ■

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Stanley Kauffmann on Films

The Passing of the Past

THE TITLE OF the film is misleading. The first shot heightens the mistake: a man jabs a punching bag. True, it's a white-haired man, but how could we tell from the first two minutes that **Fighter** (First Run) is not about boxing, one way or another? In fact it is a valuable documentary of twentieth-century political history.

That man we see first is Jan Wiener, a Czech-born Jew, age seventy-seven, now resident in America, where he teaches and writes. He is soon joined by his friend Arnošt Lustig, seventy-two, who is of more or less the same background and present professions. This film is an account of a trip to Europe that they made together, retracing Wiener's life under the German occupation, laced with plentiful comment by Lustig. Wiener escaped the Nazis in Prague, made his way into Slovenia and Italy (where he was imprisoned for a time), and eventually to Britain, where he joined the RAF as a fighter pilot with the Free Czech group. When he returned to Communist Prague after the war, he was accused of being a British spy and was sent to a labor camp for five years. Subsequently he reached America. Lustig spent some youthful years in Terezin and was conscripted for a time to build the rail lines that led to Auschwitz. After the war he became a Communist, grew disenchanted, and eventually journeyed to America. It was here that the two men met and became friends. Lustig's Communist past is, of course, a recurrent hot topic between them.

Fighter was made by Amir Bar-Lev, the American son of an Israeli. In 1993, he studied at the Prague Film Academy, where he met Wiener, who was teaching there at the time. (Wiener has gone back often to teach.) This led to Bar-Lev's friendship with the older man, to a meeting in the United States with Wiener's friend Lustig, and to the germination of this peculiarly intimate film.

Both Wiener and Lustig are vigorous and articulate, both are unsentimental though scarred with feeling, both are spirited. If Lustig has a slight edge in humor—strangely enough, humor runs through much of their conversation—Wiener is the better-looking of the two, indeed strikingly handsome. With their vitality, their digs at each other, and their comradeship, despite a quarrel near the end that took four days to heal and curtailed the picture, *Fighter* has a unique effect. We walk through history for ninety-one minutes with two chatting old cronies who were terribly entailed in it. (In fact, that spat of theirs—which, though mended, finishes the picture—adds obliquely to the film's authenticity.)

Most of us have seen documentaries about the period covered in *Fighter*, and no larger aspect of what is in this film can be new to us; but seeing it in this old-friends perspective gives all of it, familiar and new, a novel effect. When these men re-visit these places, we too have a sense of re-visiting, as if we had been there with them.

Here are a few outstanding moments. We see the railroad lines outside Terezin, where Wiener's mother had been murdered—the lines that led to Auschwitz, where Lustig's father was gassed. We see clips from *The Führer Gives a City to the Jews*, a legendary documentary wreathed in grief. In 1944 the Swiss Red Cross was to visit the Terezin concentration camp to inspect conditions, so the Germans spruced up the place and provided food and clothes. We see children smiling and adults being quiet, all of them obeying unheard orders. The film was directed by one of the inmates, the actor-director Kurt Gerron, who in 1930 had played the magician in *The Blue Angel*. When the Swiss Red Cross departed, the camp returned to "normal," and Gerron was sent to Auschwitz and oblivion, along with many of the people in his film. The clips are even more chilling when presented in the company of these two revenants.

We visit the small room in a Slovenian town where Wiener's father committed suicide during their flight from the Germans because the pursuers were closing in and he wanted to unburden his son. Wiener sits in the very chair in which he watched his father die. We visit the town in Italy that Wiener used to visit on leave from a nearby POW camp. Even though Wiener is not remembered by any of the older residents, the sequence is warm and, in a way, unique. The people of the town use gestures, common enough in Italy, to mean "I don't know" or "What did you say?" and so forth, and these gestures are subtitled. (Surely this is a first in the annals of subtitling.)

Clearly there are not going to be many more documentaries featuring survivors of the Holocaust. *Fighter* may be the last. It is sadly disconcerting yet apt to bid farewell to this twentieth-century blackness through these two confabulating old friends.

Whatever one's opinion of Woody Allen—and mine is wary—no one can deny that he has reached a privileged situation in the film world. No other American writer-director today could present a new feature with a plot that would have fit a two-reel comedy of 1920, with himself grindingly inadequate in the leading role. **The Curse of the Jade Scorpion** (DreamWorks) confirms Allen's unique position. In fact, about all I could feel while watching it was amazement that he had been allowed to make it. But that amazement cooled when I remembered that, along with the few Allen works I have enjoyed, he has built much of his career with films that were well worth not making.

The year is 1940. People smoke a great deal, and Santo Loquasto's chief setting—a suite of insurance offices in New York—has the familiar soul-deadening effect of linoleum floors and office furniture that looked boring when it was new. Allen plays an investigator for this firm, though how this man who is a prime schnook had the brains to find a stolen Picasso is only the first of the questions that do not need to be answered.

The firm has acquired an efficiency expert—an attractive woman—who wants to get rid of Allen. At an office party in a nightclub, both he and she are hypnotized by a wizard using a small jade scorpion. Allen and the woman fall into trances and are brought out of them, but they remain susceptible to the wizard's commands. That's enough of the plot, except to say that one of the insurance firm's rich clients has a sensational blonde daughter who lusts after Allen. (Frank Sinatra, a slight man, often had scenes in his pictures in which he beat up big men. Allen, not exactly an Adonis, writes scripts in which beauties pant for him.)

Curse is apparently supposed to be seen as the divertissement of a large mind. I cannot agree with either part of that idea. The dialogue in Allen's screenplay strug-

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gles as hard to be funny as he does in his performance. No, the dialogue is a bit better: he has some talent in that area. Helen Hunt, the efficiency expert, acts with intelligence if not much appeal. Charlize Theron is burdened with the role of the blonde. Wallace Shawn, one of our best playwrights, loiters on the edges of the film as an office colleague. I hope that, to occupy his mind while he was loitering, Shawn was thinking about a new play of his own. ■

Rehearsal for Evil

By TONY JUDT

Spain Betrayed: The Soviet Union in the Spanish Civil War edited by Ronald Radosh, Mary R. Habeck, and Grigory Sevostianov

(Yale University Press, 537 pp., $35)

LOOKING BACK ON the detritus of the twentieth century, it is tempting to throw up your hands in despair. So many lies! Dip into the recent European past and you emerge with one person's soiled myth, another's poisoned illusion—ripe for disposal but always liable to explode when exposed to the light of contemporary interrogation. The "we" who so vigorously pursue the evidence cannot help but bring grief to the "they" whose stories we dismantle. This is no reason to avert our eyes or to avoid difficult questions; but it is a reminder that contemporary history is almost always polemical. Anyone who writes about twentieth-century Europe is a participant in it, and carries certain attendant responsibilities. One does not step casually into other people's troubled pasts. Nor does one pronounce upon them *ex cathedra* and then walk briskly away.

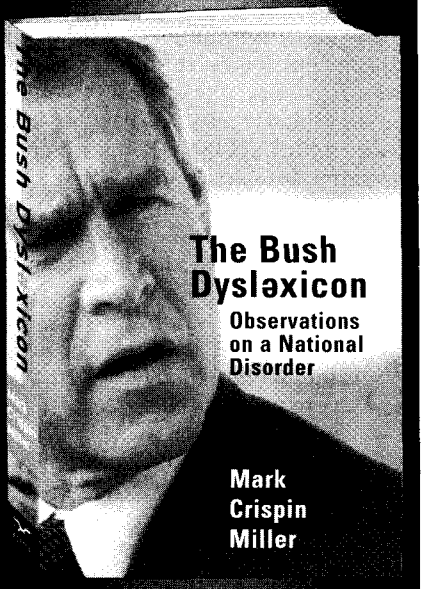
These observations are prompted by the thought that finally the problem with the twentieth century is not too many lies but too many truths. Let us take the case of Spain. The following propositions are all, I believe, correct. The Spanish Civil War, which was fought from 1936 to 1939, was a struggle between democrats and authoritarians, and contemporaries who understood it as a struggle between good and evil were not wholly mistaken. The Republic had justice and law on its side. The policy of non-intervention pursued by the Western democracies was hypocritical and ineffective. Only the Soviet Union gave any practical help to the legitimate Republican government of the country. Franco was supported by Nazi Germany and Fascist Italy, and he would not have succeeded without their backing. The thousands of men and women who went to Spain to fight against Franco in the International Brigades were not deluded: the regime that emerged from Franco's victory and ruled Spain from 1939 to 1975 was nasty, violent, repressive, and literally reactionary, confirming every fear of those who had unsuccessfully fought it for three years of bitter war.

But the following propositions are also true. The struggle in Spain was not primarily an extension of the interwar confrontation between fascism and democracy (or right and left), and it had complicated local origins of which outsiders were often ignorant. The Republicans brought their fate on themselves through insensitivity to many constituencies (peasant smallholders, shopkeepers, Catholics) who were not previously ill-disposed to them. The Francoists were supported by many people, at home and abroad, who believed deeply in their cause. The left (anarchists, unions, Communists, Socialists, Republicans, Basque and Catalan separatists) were in some measure responsible for their own failure through misgovernment and internal conflicts. The Soviet Union provided help on its own terms and for its own ends, and contributed actively to the troubles of the Republic. The thousands of men and women from all over the world who went to fight fascism in Spain were mercilessly duped and exploited by the Communists.

It is one of the difficulties of European historiography that many of these claims

National Bestseller

"They misunderestimated me"



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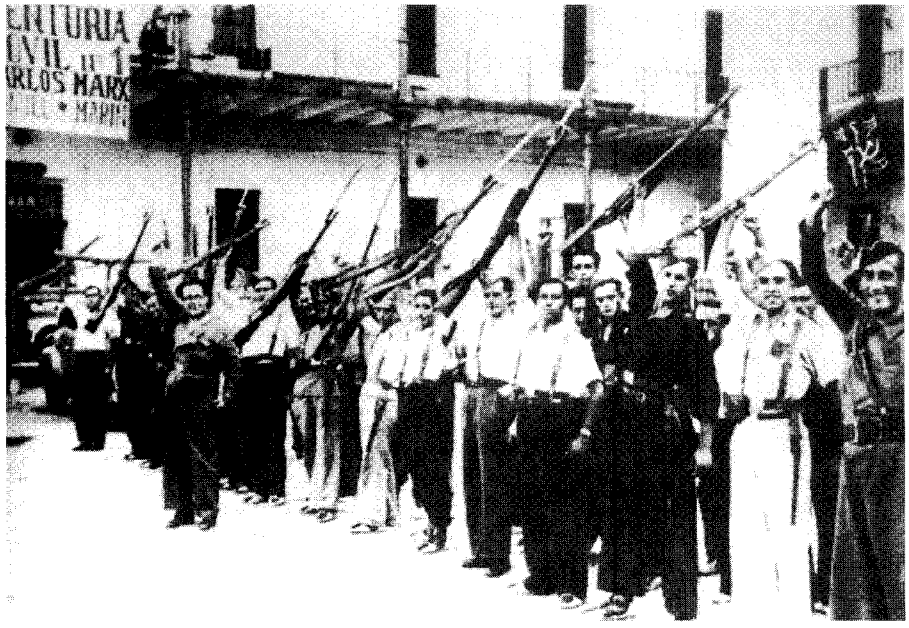
are conventionally held to be incompatible. Contemporaries and participants saw Spain in apocalyptic—or, as we might say, zero-sum—terms: it was either a local conflict (from which outsiders should keep clear) or it was the last chance to save European democracy from international fascism. But not both. Either the Republican side had made a mess of things since the overthrow of the king in 1931, in which case Franco's coup was a characteristically Spanish way of restoring domestic order and national unity through military means (just one in a long series of such adjustments); or else the military uprising was a right-wing plot to steal power from the legitimately elected Popular Front coalition. But not both. Many historians, for whom the Spanish Civil War was part of their own political education, reflect such mutually excluding assumptions in their writings. Indeed, they are among the foundation myths of our time.

SPAIN IS NOT the only forum for contemporary Manichaeanism. Any attempt to write the history of resistance and collaboration in World War II, or the history of the Balkans, or the comparative history of Nazism and communism, or even about smaller matters (say, the place of Mussolini in the Italian past) risks running aground on these shoals. But Spain is a distinctive case. It was for many (on both sides—the right, too, had its international volunteers, from Ireland to Romania) the Last Great Cause: the only occasion on which the great twentieth-century confrontation between left and right was played out on a terrain unsullied by self-interest. Many participants and observers lost their innocence in Spain. Louis Fischer, writing in *The God That Failed*, claimed that Spain postponed his "Kronstadt," the moment of reckoning with the Communist mirage; but more typically it was in Spain that men such as Orwell, Koestler, and Malraux were shorn of their remaining illusions. It was in Spain that the first intimations of the coming cataclysm were felt. And of all the lost hopes of the 1930s, Auden's "low dishonest decade," it is the cause of Spain that lingered longest in the collective memory.

In these circumstances, any renewed discussion of the role of the Communists in Spain is bound to arouse discomfort. For the most part the story is well-known. Communism was a minority taste in interwar Spain, even among the Marxist left. The dominant radical traditions were anarchism (notably in Andalusia and the southwest), syndicalism (a radical form of apolitical self-administering trade unionism favored by the organized working class of Catalonia and the Basque region), social democracy, and anti-clerical republicanism. The hitherto tiny Spanish Communist Party managed to insert itself into a prominent role during Juan Negrín's reshuffled Popular Front government (from May 1937 through March 1939) for two reasons: the Soviet Union offered practical help to the beleaguered state in return for growing influence over its administration, finances, and army; and the Spanish Communists, directed by Comintern "advisers," devoted considerable effort to destroying all competition within the left, presenting themselves as the only force capable of organizing an effective defense against Franco.



COURTESY PENGUIN BOOKS

POUM militia volunteers at the Karl Marx barracks in Barcelona

There has never really been any secret about the motives or the activities of the Communists in Spain, who were directed and manipulated from Moscow: even those volunteers for the International Brigades who were sublimely ignorant of the uses to which their Communist leaders were going to put them usually returned home (if they did return home) sadder and wiser. Three generations of observers and historians have told the story to anyone who would listen. It is worth recalling that Orwell initially had trouble getting anyone to publish *Homage to Catalonia*, precisely because it revealed unpleasant truths about Communists, and Koestler's *Spanish Testament* was readily dismissed by those for whom anything he wrote was tainted by his unabashed anti-communism. But most informed people today would agree that the Communists in Spain behaved brutally toward their purported "friends" and were motivated by a cynical self-interest.

Yet historical conundrums remain. Did the Soviet Union seriously help the Spanish Republic? Did Stalin want the Republicans to defeat Franco, or was he content to stave off a fascist victory? And whatever Stalin's motives, did the Communists' contribution to the anti-Franco struggle justify the claim made by Communists at the time, and by many serious historians afterward, that it was necessary to destroy their local anarchist and Socialist allies in order to focus everyone's energies exclusively on military victory? And finally, in light of what we now know, were the International Brigades and their friends mere dupes of Stalin? Was the left (Communist and non-Communist alike) in Spain, France, or the United States acting on the basis of its own judgment and free will, or was it guided from Moscow, and therefore the exploited victim of a pernicious illusion?

With the partial opening of the Soviet archives in the past decade, there has been much optimistic talk about what we can now hope to learn. In reality, the archives cannot answer many of our questions. In some measure, the reason is simple: not all the documents that we need for a full understanding are available—we do not have access to the presidential archives of the former Soviet Union, nor is there unlimited access even to those KGB and Party sources now being made available. We still do not know why Stalin made certain crucial decisions, and we may never know. Intelligent inference, as always, remains the historian's chief resource.

But even the fully accessible archives are of only limited value. We know what is there, but we do not know what is missing. And we bring to archival documents (which were themselves created and preserved for reasons that we need to know if

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we are to interpret them correctly) historical knowledge that cannot, by definition, be acquired from the archives themselves. The Annals of Communism series of Yale University Press, in which this important collection of documents about Spain and the Comintern appears, is certainly an invaluable tool, but it is only as good as the understanding that we bring to the material that it reveals.

WHAT LIGHT, THEN, does this latest offering shed on the outstanding mysteries of its theme? Of Stalin's motives we learn nothing new. In five hundred pages of documents, "the Boss" figures just once. Significantly, it is when he is quoted as vetoing any bombing of Italian or German ships: "this must be prohibited." Otherwise the correspondence and the reporting documented here took place between the Comintern operatives in Spain and their masters in Moscow. What is striking is the highly detailed and technical nature of these coded exchanges. The Russians wanted to know exactly how their projects were working out in Spain: how effectively were the police, the interior ministry, and the army being infiltrated and directed by their operatives? Who could be counted on, who could be used, who needed to be ousted or sidelined? Their advisers duly sent back remarkably full accounts of their work and of the Spanish situation.

The accounts are written for the most part in standard leaden Communist-speak, what the French call *langue de bois*, and they are often very long—one report, dated December 1937, is seventy-three pages long, the epistolary equivalent of a Castro speech. Another report, from late 1937, informed Moscow that the "current situation in Spain has led to significant changes both in international and national relations that demand a deep analysis to determine the party line that is appropriate for this new situation.... It is necessary to attribute the lack of permanent, methodological work in the [international] brigades to shortcomings in their functioning.... The permanent representatives sent for political work in the brigades ... do not communicate enough with the leadership of the CPE [the Spanish Communist Party] [and] are insufficiently informed about the political and military situation in the country, which hampers the conduct of the necessary political work in the brigades, which is based on pressing problems." Translation: we need to get a firmer grip on the International Brigades volunteers and deal effectively and severely with those who do not follow the party line.

The Soviet advisers in Spain were themselves an interesting bunch. Some, such as Vladimir Antonov-Ovseenko, were old Bolsheviks. Others, such as André Marty, Palmiro Togliatti, or Erno Gerö, were youngish Comintern operatives seconded from their local (often underground) Communist Parties—in these cases, from France, Italy, and Hungary, respectively. None of them were stupid, and most of them were sharp observers. Antonov-Ovseenko sent back a report in October 1936, for example, in which he accurately characterized the Madrid government and its general staff as "showing a startling incapacity for the elementary organization of defense." Marty (who had made his name in 1919 as the organizer of a mutiny of French sailors in the Black Sea) was a notorious thug, bullying and beating the International Brigade volunteers (for whom he was initially responsible) into submission to Communist orders. Gerö, like Luigi Longo (another Italian who would play a prominent part in the postwar Partito Communista Italiano), was a party bureaucrat.

Togliatti was in a different league. The historic leader of the Italian Communists (he died in 1960) has long been the object of a personality cult in the West. Vastly more intelligent and cultivated than the average Communist operative, he was credited with not just turning his underground movement into a major force in postwar Italian politics, but also leading his party on a distinctive and autonomous path, keeping it clear of the wilder excesses of Stalinism and helping to prepare the way for its later transformation into a credible party of the post-Communist left. Recently this myth has been subject to attack: it is now understood that Togliatti could be as Stalinist as anyone, and he played a major role in many Stalinist moves. (This has been carefully documented in Elena Aga Rossi and Victor Zaslavsky's *Togliatti e Stalin: il PCI e la politica estera staliniana negli archivi di Mosca*, which appeared in 1997.)

But Togliatti was clearly atypical, as the archives confirm. Of the Soviet advisers in Spain, he was apparently alone in realizing that the Comintern's representatives frequently caused "unnecessary irritations." "Your advisers," he wrote to the Comintern in September 1937, should stop "considering themselves the 'masters' of the party ... stop viewing the Spanish comrades as people not capable of anything." This is striking not just for the fact that Togliatti dared write to Moscow in such direct and critical language (no one else in this book did so), but also for the observation itself. The foreign advisers *did* treat their Spanish "comrades" as second-class citizens in their own country, believing them incompetent and ignorant of Communist goals and tactics. But then the Spanish Communists were mostly third-rate, and strangely detached from the realities of Spanish politics and society.

Togliatti was well-placed to know this: he himself wrote the speeches of Dolores Ibárurri, known as La Pasionaria. It long suited Communists to keep her overblown heroic image burnished for international consumption, but she is revealed here as a mere microphone for Moscow, as many suspected. Writing to Moscow from Valencia in September 1937, Togliatti evinced genuine surprise that an article by Ibárurri "turned out very well." He clearly thought it unusual and worthy of note that for once "it was written by her at her own initiative, without any help or corrections on our part." It seems reasonable to suppose that it was during his time as the leading Comintern operative in Spain that Togliatti absorbed many of the lessons that he would apply upon his return to Italy: the Party should be close to local reality, harbor no illusions about its revolutionary prospects, and keep the "foreign comrades" at arm's length if possible.

WHAT WERE THE advisers sent to Spain to achieve? It is clear from the documentation collected by Ronald Radosh and his colleagues that Orwell was right all along. The Comintern was not chiefly concerned with pursuing the war with Franco. The Russians were certainly in favor of doing so, but it was not their primary day-to-day goal. If the emphasis in these documents is to be believed, the Soviet Union was above all interested in—indeed, it was obsessed with—the struggle within the left, against the anarchists, and especially against the Trotskyists of the POUM (the Barcelona-based Workers' Party of Marxist Unification). A hugely disproportionate amount of space in the reports of the Comintern advisers (including Togliatti) is taken up with the intra-left conflict and the question of how to deal with the Communists' enemies on the left.

This makes perfect sense given the times—the Spanish Civil War coincided exactly with the Moscow trials and purges—but it is sobering to grasp the extent of the obsession. Anatoly Nikonov, the deputy head of the GRU (Soviet military intelligence agency) in Spain, wrote of the "counter-revolutionary Trotskyist scum" conducting "vile anti-Soviet activity" and so forth. "It goes without saying," he reported to Moscow in February 1937, "that it is impossible to win the war against the rebels if these scum within the Republican camp are not liquidated." This was the Comintern line, from which it never swerved. André Marty blamed all Republican setbacks on the "treason" of the non-Communist left. It might be necessary to

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make concessions to the anarchists just now, he wrote to the secretariat of the Comintern in October 1936, "but after victory we will get even with them, all the more so since at that point we will have a strong army." Togliatti, too, reported on the anarchist leaders—"scum, clearly tied to Caballero [the Socialist leader]," who will need to be fought by "large-scale action from below."

Those who defend the actions of the Communists argue that the POUM and the anarchists were so intent on pursuing social revolution in the midst of civil war that the Communists could be forgiven for treating them as an impediment to victory. Even Orwell acknowledged the shortcomings and the illusions of his friends on the revolutionary left. Yet it is now perfectly clear that the Communists emphasized the untimely revolutionary goals of the non-Communist left parties primarily as an excuse for destroying them. Perhaps the only indisputably new confirmation from the Soviet archives is the evidence that the bloody street battles in Barcelona in June 1937, during which the Communists set out to liquidate their Trotskyist opponents, were not a Communist response to an attempted revolutionary coup that would have weakened the Republican war effort, but a deliberate Comintern provocation. This, too, will not be news to many professional historians of Spain, but it runs quite counter to the official version purveyed by Moscow for fifty years and widely credited in sympathetic circles in the West.

SO WHAT, THEN, were the Soviets up to? The editors of this volume never really say. Indeed, this is perhaps the place to note that the volume is rather unsatisfactorily edited. The reader is given far too little context within which to situate the somewhat arcane documentation. Anyone ignorant of Spanish history, the structure and functions of the international Communist movement, or the subsequent part played by the Comintern advisers in postwar European developments can come away from this book only with the most superficial and confused grasp of the events that it describes. The editors seem to feel that their job is done if they have shown just how duplicitous and all-embracing the Soviet role in Spain really was, and that this is sufficiently achieved by letting Marty, Togliatti, and the rest speak for themselves. This is certainly a worthy objective, since there are still many people, including a goodly number of history professors in American universities, who are offended at the very notion of Communist duplicity or manipulation.

For a historian, however, it is a goal somewhat lacking in ambition. On the evidence that the editors themselves provide, we can say rather more; but in order to do so we need to move beyond Spain. Did Stalin want to bring about Franco's defeat? The question presumes some clear strategic ambition on Stalin's part, and we know from the early history of the cold war that he did not typically work in that way: witness his lack of definite plans even for Germany. The Soviet Union invested men and money on behalf of the Republican side in Spain, but it was wary of overcommitment—recall Stalin's ban on attacks directed at German or Italian ships. Stalin was prepared to take advantage of victory in Spain, and he gained great propaganda advantage from his efforts on its behalf; but he also took care not to be over-exposed in the event of defeat.

THE REAL EFFORT in Spain, again, went into the internecine conflicts on the left. To the outsider this may seem absurd and, taking Soviet intentions at face value, self-defeating. But this is because the question has been wrongly posed. What the Comintern was doing in Spain from 1936 to 1939 makes sense only when understood in the context of later Soviet actions in occupied western Ukraine and eastern Poland from 1939 to 1941, or throughout Eastern Europe from 1944 to 1949. We are accustomed to the notion of Mussolini and especially Hitler using Spain as a dry run for fascist war (as in the air raid on Guernica). What these archives reveal is that Spain was no less a dry run for Communist "revolution from abroad."

The phrase is Jan T. Gross's, and he uses it in his study of the Soviet occupation of eastern Poland and western Ukraine after 1939 to illustrate the stages of Sovietization in an occupied society. In civil war Spain, we may observe in embryo the strategies that would emerge full-fledged in postwar Eastern Europe: the infiltration of certain key ministries; the project to split the social democrats and manipulate their more malleable leaders while marginalizing and eventually liquidating the others; the de-emphasizing of "revolution" in order to isolate the extreme left and to gain support among the peasants; the emphasis upon "anti-fascism" as an umbrella for left-wing unity, while stigmatizing and punishing as "fascist" all criticism and opposition; the dependence upon Moscow-trained advisers to instruct and to purge the local Communists; the use of intimidation and blackmail to ensure favorable electoral outcomes; the reiterated insistence on the inadequacies and prevarications of the Western powers and the dependability of the Soviet Union as the only foreign friend of vulnerable small democracies.

That is a fine shorthand summary of the stages of Communist seizures of power in postwar Eastern Europe. It is also a list of the chief concerns and actions of the Comintern advisers in Spain as revealed by their correspondence. Every element in the Spanish story has its counterpart and echo a decade later in Eastern Europe. For the anti-Communist Francisco Largo Caballero, there were Socialists in every East European country who refused to bend the knee to Stalin, just as for every Juan Negrín (the easily manipulated Socialist prime minister of Republican Spain) there were always serviceable Socialist fellow travelers. The Spanish Civil War, then, was the context for Stalin's first, tentative experiment in the seizure of power abroad. Far from failing, it can now be seen to have been a rather considerable success, and not just because its experience was adapted and perfected on other occasions in years to come.

FOR ONE THING, many of the European Communists who came to prominence in the 1940s got their start in Spain: not just Togliatti, Marty, Longo, and Gerö, but also many other future leaders of the Hungarian, Czechoslovak, Yugoslav, and German Communist parties, too. What they learned in Spain was not just how to deal with their enemies and, especially, with their friends, but also, and more decisively, what it was that Moscow wanted of them. It was not by chance that many of the Soviet representatives in Spain ended up dead, especially the senior ones such as Antonov-Ovseenko. Reading the reports from the "advisers" in Spain is a slightly ghoulish experience, since one knows that most of them will be recalled to Moscow within months or weeks of their report and disposed of in the backwash of a show trial.

Spain was the proving house for the post-Bolshevik generation of European Communists: if you survived your time there, by luck or by judgment, you knew enough to obey Moscow thereafter. But even that would not save you if it suited Stalin to invoke your Spanish activities against you in a postwar power struggle: those who did not perish in Moscow before 1939 usually ended as victims of a postwar show trial in Hungary (Laszlo Rajk in 1949), Czechoslovakia (Artur London in 1952), or even Paris, where Marty's own party turned on him after 1952 and demoted him after an "investigation" in which he was charged with, among other things, his "errors" in Spain. Togliatti is a rare case of a Communist operative in Spain who survived his time there, despite

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his known independence of mind—and there is probably more to his unusual trajectory than we now know.

Seen in this light, the Soviet intervention in the Spanish Civil War makes more sense. Spain was an opportunity to win international sympathy for the Soviet Union at a time when the Western democracies were watching helplessly as fascism won victory after victory; a chance to extend Soviet diplomatic influence; and above all an occasion to implement and to refine a strategy for revolutionary takeover. None of this had much to do with poor Spain, of course. It might as well have happened in Bulgaria or Lithuania—and later it did. But in Spain it worked out very well indeed. The diplomatic foray was the least successful, but then it was also the least pressing of Stalin's concerns. The revolutionary strategy, by contrast, got a full workout, and a whole generation of operatives was trained under fire. And the propaganda front was a huge and enduring victory: it was as much in Madrid as in Stalingrad that the groundwork was laid for the postwar emphasis upon communism's unique and incontrovertible anti-fascist credentials.

What, then, of the Soviet role in helping fight Franco? Yes, the Soviet Union supplied arms and matériel (though at exorbitant cost to the Spanish treasury), and yes, the better-organized Communist and Republican forces fought well. According to the historian Paul Preston, it was only German and Italian air support that made the difference: when the insurgents lacked air superiority (as in the first battle of Madrid, and at Guadalajara in March 1937), the Republicans could win, and they did. So the Communists certainly did help. But they also hindered. Marty withheld weapons, medical supplies, and leave from volunteers who were known anti-Communists; valuable resources and men were diverted to fight the Trotskyists and the anarchists; the Communists split the Socialists and alienated many Republican sympathizers. Many came to realize, with Orwell, that Communists were men whose profession "was telling lies," and this realization disabused them of their ideals and their enthusiasm. So there is no conclusive way to audit the Communist contribution to the war itself.

THERE REMAINS THE most delicate question of all. Were the International Brigades and their supporters duped? This is even harder to answer, in part because it is a question not just about a few thousand men but about the decades-long belief system of millions of men and women. The Brigades themselves were not exactly a benign community of idealists. Some of the volunteers harbored strong ethnic and racial prejudices that would be played out in murderous quarrels and divisions in Spain. Many of them were dismissive and patronizing about the Spanish, and they incurred lasting local resentment. Some of them were hardened Comintern operatives who knew the score all too well. The volunteers from Germany, Austria, and Italy had lived and fought through two decades of Communist-Fascist and Communist-Socialist sectarian struggles, and they anticipated that Spain would be a continuation of those battles on new soil.

But the British and especially the Americans were often innocent. They went to fight fascism, which is in some measure what they did. But they *were* duped. They were the fodder for the projects of the Communist "advisers," exploited and then abandoned (in many cases literally left penniless to make their way home as best they could). But they were not half as duped as those who remain innocent on their behalf even today. In 1944, Orwell, who was still having trouble finding a publisher for his mordant commentaries on left totalitarianism (on this occasion the offending text was *Animal Farm*), noted that the "willingness to criticize Russia and Stalin is the test of intellectual honesty" in our time. That is no longer quite true—both the Soviet Union and Stalin are now easy targets. Most people today are no longer taken in by the mystique of the "necessary murder" ("the conscious acceptance of guilt in the necessary murder," as Auden infamously wrote in "Spain 1937"). We have moved on a long way, though the price for our clarity has been very high. But there is a slightly different and no less pernicious illusion that has survived even the overthrow of the Soviet Union, and it attracts many of today's smartest dupes.

ONCE UPON A TIME it was fashionable to distinguish between Lenin (good) and Stalin (bad). There were others who were sustained by the difference between Marxism (good) and communism (bad); some of the more sophisticated among them preferred the contrast between early Marx (good) and late Marx (bad). Today, when all of these distinctions seem remote and theological, we are seeing a revival of such thinking in the form of a juxtaposition between Moscow (bad) and local communism (good). This idea has not gained much ground in Eastern Europe, where it runs up against a little too much local knowledge; and for the same reason it is a minority taste in France and Italy. But in Britain and especially in the United States it is enjoying a bit of a vogue.

The argument runs as follows. Sure, Moscow was a vipers' nest. But the Com-

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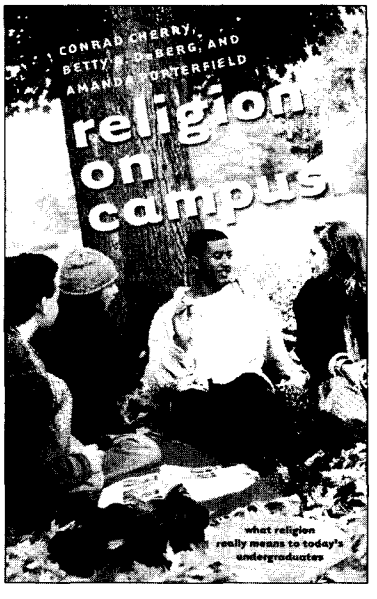

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munists at home (in the United States or wherever) were honestly motivated, and they did not take their orders from Moscow, and their actions were driven by their disinterested understanding of local or national interests and circumstances. When they did follow Moscow's orders, it was often with reluctance, and they initiated autonomous strategies whenever they could. For this reason, the guilt that attaches to Stalin, the Comintern, the gulag, and the rest should have no bearing on our appreciation of the history of communism in, say, the United States, and our interpretation of the motives and the acts of local Communists need not be colored by what we know of the sins of foreigners. One historian has even managed to appropriate the tiny black presence in the International Brigades as "one of the most important yet little known moments in the history of international and Pan-African solidarity...."

People who think like this are at a loss to understand the comparisons between communism and Nazism. What could a well-intentioned CP member in Detroit possibly have in common with a Munich stormtrooper? The notion of Communists as spies seems equally ludicrous: for whom would they spy, and why? In this way of seeing things, Hiss, Rosenberg, and company make more sense, even today, as a figment of the paranoid imagination of American isolationists. And, above all, the great illusions of the twentieth-century left can be sustained in place, because what is for most of us their fundamental undermining feature, the corrosive chemical in the whole narrative—the mendacious fraudulence of the Soviet enterprise—is simply irrelevant.

This is a fairy tale, as this book and a thousand books before it have amply demonstrated. Yet it is a peculiarly interesting fairy tale, because it is so uniquely at odds with the phenomenon that it purports to exculpate. The whole point of Lenin's project was to replace the decentralized, democratic, autonomous—and unrevolutionary—socialist parties of the Second International of the nineteenth century with a single, centralized, homogenous movement. In 1919, he drew up twenty-one conditions that any socialist party had to accept unconditionally before it could join the new, Third, "Communist" International. They boil down to a single requirement: unrestricted, unquestioning obedience to the structures, tactics, strategies, orders, and practices emanating from the center in Moscow.

These conditions were never secret. As Léon Blum and other Western socialists who refused them clearly saw, they represented the crucial difference between communism and social democracy. Socialists were men and women who did what they thought Marxist theory and local circumstances required of them. Communists were people who did what they were told. No Communist activist has ever been under any illusion about this. If you did not like the rules of the deadly Communist game, you left the party or were expelled or exterminated, depending on circumstances. But the rules were clear.

In 1969, Boris Souvarine, who fifty years earlier founded what would become the French Communist Party, sat me down and explained something. There is no mystery about communism, he said. There is no enigma. There is nothing that we need to know that we do not yet know. Lenin told us (in Souvarine's case literally) what he wanted to achieve and how he intended to achieve it. The rest is history and self-delusion. There was never any need, in Souvarine's view, to wait for shocking revelations, or secret speeches, or Solzhenitsyn. Communism was unashamed about its project and its methods. There were millions of dead witnesses, but there were hundreds of thousands of living ones, too. If you wanted to know what communism stood for, you had only to look and to listen. What mattered, Souvarine insisted, was the capacity to admit what you knew. Souvarine spoke from unusual experience, of course: having moved from Bolshevism through Trotskyism, he published in 1936 what is still today the most penetrating biography of Stalin, which has been confirmed by everything that happened afterward and that we have since discovered.

It takes willful blindness to insist that Communists ever operated independently of Moscow, when the whole point of communism was to ensure that such freedom of thought and action never happened. But then, as Souvarine also noted, you have only to believe one implausible thing about communism and it becomes much easier to believe everything else, too. In Souvarine's time, people who wanted to believe such fairy tales at least served a political function—which is why Communist insiders, following Lenin, described them as "useful idiots."

Prostatic Triolets

1.

The first time I thought I had cancer,
Ach, Gott, as my grandmothers would say,
I collapsed in dismay,

my imaginary cancer
had me utterly under its sway.
The first time I thought I had cancer,
Ach, Gott, as my grandmothers would say,

but now that it really is cancer,
I don't feel much; today
in fact seems a tedious replay
of the first time I thought I had cancer,
when, *Ach, Gott,* as my grandmothers would say,
I collapsed in dismay.

2.

Why think now what my grandmothers said?
I've never said, *Ach, Gott,* as far as I know
in my life, do I really mean, *Oh, woe*?

Still, I'm hardly on my deathbed,
why should the past haunt me so?
Why think now what my grandmothers said?
I've never said, *Ach, Gott,* as far as I know,

even when I was shivering with dread.
I'd have thought by now I'd be ready to go;
why such regressive sorrow
that I'd think what my grandmothers said?
I've never said, *Ach, Gott,* as far as I know
in my life; do I really mean, *Oh, woe*?

3.

How not even know what you feel?
My mind's tied in a knot,
is that what my grandmothers meant by "*Ach, Gott*"?

At times I've found life an ordeal,
I'm reasonably sure death's not;
but how know what you feel
with your mind tied in a knot?

Is this how one really ends, piecemeal,
half-oblivious, not
even knowing what you feel?
My mind's tied in a knot,
is that what my grandmothers meant by "*Ach, Gott*"?

C.K. Williams

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They acted as an insulating curtain, a sort of gauze strip separating Communist reality from the universe of innocent well-wishers. But today no obvious purpose is served by such credulity. So *cui bono*?

The only possible purpose of all such efforts to hide from the truth about the past is to spare ourselves moral discomfort. This is emotionally understandable, but it is not historically prudent. We do better to accept the many uncomfortable and even incompatible truths about the twentieth century, including the incontrovertible evidence of our own gullibility and worse, than to add another lie in the search for ease. There are, after all, many true stories about the twentieth century that we can still tell without embarrassment, because the truth today is what it always has been: the truth about Franco, the truth about Hitler, and so on.

But we need to learn to add to these the truth about communism—not truisms about Stalin, or even Lenin, or Moscow, or the *nomenklatura*, or Russians, or foreigners, but the truth about *communism*: that it was a singularly dishonest confidence-trick whose consenting victims include its distant apologists in England and America, who enthusiastically sent others on the road to hell with the very best of intentions. In the terrifying confusion of the 1930s, in the all-or-nothing choices of Hitler's war, in the looking-glass ethics of the cold war, those who thought they could save the essence of the Communist "dream" by separating it from its rotted Soviet penumbra were, I suppose, useful idiots, if only to that rotted penumbra itself. Today they are just idiots. ■

The Gospel of Relaxation

By PAUL BOGHOSSIAN

The Metaphysical Club: A Story of Ideas in America by Louis Menand

(Farrar, Straus & Giroux, 546 pp., $27)

PRAGMATISM IS AMERICA'S distinctive contribution to the history of philosophical thought, though there has always been some dispute about exactly what doctrine it is supposed to name. The philosopher and psychologist William James, in a lecture given at Berkeley in 1898, attributed the view to

> a philosopher whose published works . . . are no fit expression of his powers. I refer to Mr. Charles S. Peirce, with whose very existence as a philosopher I dare say many of you are unacquainted. He is one of the most original of contemporary thinkers; and the principle of practicalism—or pragmatism, as he called it, when I first heard him enunciate it in Cambridge in the early '70s—is the clue or compass by following which I find myself more and more confirmed in believing we may find our feet upon the proper trail.

PAUL BOGHOSSIAN is professor of philosophy at New York University.

James was at the time one of America's pre-eminent intellectuals, so his advocacy of this new outlook provoked a great deal of attention and debate.

Charles Sanders Peirce, by contrast, was very much down on his luck. A brilliant logician and scientist, he had been fired from his academic position at Johns Hopkins for living in sin with his wife-to-be, and he had lost his job at the Coast Survey. At the time of James's lecture, he was penniless, unemployed, and surviving largely through the generosity of his friends. It was natural for him to see, in James's promotion of his thought, a unique opportunity to reclaim the prominence that was his due. On looking more closely at what James had written, however, Peirce was so repelled by its substance that he began calling his philosophy "pragmaticism," to distinguish it from what everyone else was talking about, and to discourage, through the ugliness of the chosen label, any further misappropriation.

For better or for worse—in my own

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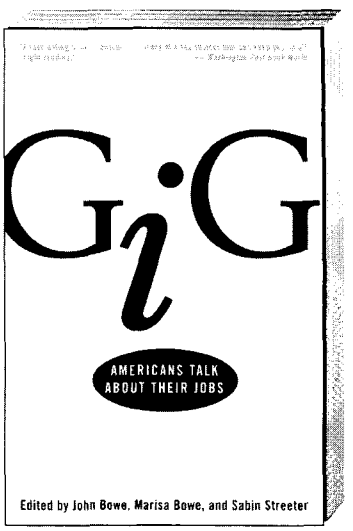

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view, for worse—it is the pragmatism that derives from James, and from his follower John Dewey, that goes by that label today, and that is hailed as America's great gift to modern thought. It is this pragmatism to which Louis Menand subscribes, and whose history he seeks to tell in his new book (though he often writes as though he is recounting the history of an idea that is common not only to James and Dewey, but also to Peirce and Oliver Wendell Holmes). What, then, is this variety of pragmatism? Menand offers the following characterization of the core idea:

> If we strain out the differences, personal and philosophical, they had with one another, we can say that what these four thinkers had in common was not a group of ideas, but a single idea—an idea about ideas. They all believed that ideas are not "out there" waiting to be discovered, but are tools—like forks and knives and microchips—that people devise to cope with the world in which they find themselves.

Menand has an arrestingly original story to tell about why this idea caught on in the waning years of the nineteenth century. It arose, he says, as a response to the horrors of the Civil War. To hear Menand tell it, the Civil War was fought in the name of certitude in an abstract principle: that slavery was wrong and had to be abolished. But the grim reality of what a defense of this principle entailed led many a committed abolitionist to question whether any idea could be worth that sort of cost. "The lesson Holmes took from the war can be put in a sentence," Menand observes. "It is that certitude leads to violence."

This prompted Holmes, and his intellectual peers in mid-nineteenth-century Cambridge, to look for a conception of belief and judgment that would eschew certainty. The challenge facing the young post–Civil War intellectuals was "to devise a theory of conduct that made sense in a universe of uncertainty." And "pragmatism," says Menand, was their answer:

> it was designed to make it harder for people to be driven to violence by their beliefs.... Holmes, James, Peirce and Dewey wished to bring ideas and principles down to a human level because they wished to avoid the violence they saw hidden in abstractions. This was one of the lessons the Civil War had taught them.

At another point in his book, Menand makes it clear that, in his view, pragmatism did not just make it "harder" to fight for a belief, it made it impossible to do so: "Pragmatism explains everything about ideas except why a person would be willing to die for one."

There is no denying the interest of Menand's thesis, or the narrative flair with which he constructs his account. Bringing a fluid, journalistic style to the history of ideas, he treats his reader to lively, often amusing, and always informative biographical sketches of some of the nineteenth century's most influential American thinkers. We learn a great deal not only about Holmes, Peirce, James, and Dewey, but about a host of less central figures with whom their lives intersected, among them the naturalist Louis Agassiz, the brilliant conversationalist Chauncey Wright (he was dubbed the "Cambridge Socrates"), the social activist Jane Addams, and the union organizer Eugene Debs. While Menand makes some effort to explain these vivacious digressions and detours as throwing light on his central theme—the origins of pragmatism—his reader often comes away with the impression that the judgment as to what to pursue and for how long to pursue it was made on purely narrative grounds: would it make for a good yarn?

COURTESY FARRAR, STRAUS & GIROUX

Charles Peirce with his wife Juliette, 1907

It usually does. The anecdotal entertainments aside, though, there is a real problem making sense of Menand's argument. Even before we engage the inevitable philosophical complexities, we are puzzled. If pragmatism really did make it impossible for us ever to fight for something we believe in, shouldn't that be a cause for concern rather than a cause for celebration? Doesn't virtually everyone agree that some beliefs are so important that one ought to be willing to risk one's life in their defense? And isn't it easy to understand how the conviction that no one may enslave another human being should be one of those beliefs? And is it really plausible that such socially conscientious thinkers as James and Dewey should have wanted to box themselves in, devising a philosophical view that would make it impossible for them ever to advocate the use of force in defense of basic values—freedom, equality, justice, self-defense? Didn't Dewey argue for America's entry into World War I?

And since when do we need a corrective to an excess of certitude in philosophy? Philosophical thought has undeniably been obsessed with certainty; but it has been obsessed with the difficulty of achieving it. It could hardly be accused of having made glib claims to having achieved it, claims that would then stand in need of correction. Finally, if the aim is to make it impossible for people to be certain of the truth of grand moral abstractions, why do we need a general theory of belief and not just a skeptical theory of moral belief? In an increasingly atheistic nineteenth century—fascinated by the thought that if God is dead, then anything goes—the commitment to the very existence of moral truths (let alone to our indubitable knowledge of them) had already lost much of its grip. Did anyone really see the need for a general theory of belief with which to dislodge excessive moral certitude?

These are some of the puzzles that make one suspect Menand's story even before examining its details. And such an examination only bears them out. Thinking of ideas not as "out there," but rather as "tools": how, exactly, does such a notion deprive belief of its capacity to motivate force? We know from Menand's description what we have to look for. The Civil War was fought in the name of certitude in

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a moral abstraction, in this case the moral abstraction that "all men are born equal." If pragmatism is to secure its pacifying effect, it must either undermine certitude or undermine abstraction or both. Menand clearly thinks it does both. But in this he is multiply confused.

There are two distinct ways of reading the claim that ideas are not "out there" but are rather tools, depending on whether one takes it to be making a point about what beliefs are or a point about how beliefs are caused. Menand never sufficiently recognizes the ambiguity, and consequently he trips over it. On the first reading, pragmatism's central claim would be that beliefs are tools, and hence can be evaluated coherently only in terms of their utility and not in terms of their "agreement with reality" (with what's "out there"), at least as that is classically understood. According to this view, a belief is good if—like a hammer or a microchip—it gets the job done, and satisfies the concrete need for which it was devised; and no other sort of evaluation of beliefs could be appropriate. Call this the metaphysical thesis.

On the second reading, to say that beliefs are not "out there" is not to make some claim about what beliefs are; it is rather to make a historical claim about how they come into existence. The thought is that what we believe is not to be explained by the way the world is or by the available evidence, but rather by the fact that some of our beliefs turn out to be more useful than others in helping us cope with our environment. We are caused to have the beliefs that we have by our perception of their utility. Call this the causal thesis.

Which of these does Menand think pragmatism is? For the most part, he writes as though he has the causal thesis in mind. In other words, he construes pragmatism to be merely an account of the criteria that we use to determine—our ways of telling—that some belief is true, and not an account of what it is for it to be true, of what its truth consists in. Thus he observes that "pragmatism is an account of the way people think—the way they come up with ideas, form beliefs, and reach decisions." And: "It does not follow that it is meaningless to talk of beliefs being true or untrue. It only means that there is no noncircular set of criteria for knowing whether a particular belief is true, no appeal to some standard outside the process of coming to the belief itself." One can certainly understand why Menand fixates on the causal thesis, for it is only this thesis that has the slightest chance of connecting with his favored explanation of pragmatism's genesis. Unfortunately, it is the metaphysical thesis that is at the distinctive heart of pragmatism; and it has no bearing at all on the question of whether beliefs can motivate force.

Suppose we say, in line with the causal thesis, that our beliefs are caused by considerations of utility rather than by truth or evidence. This has two important consequences. First, we commit ourselves to the distinctness of the properties of truth and utility: if our beliefs are caused by A and not by B, that can only be because A is not B. Second, we invite the sort of skepticism about belief made famous by Hume in the eighteenth century.

Hume was struck by the difficulty of substantiating that any particular method that we might use for forming beliefs is the method most likely to lead to true beliefs. After all, he argued, any case that we might make for one of those methods over another would presuppose the integrity of some method, about which a similar question would then arise. It looks as though we will eventually reach a point at which all we can say is: This is simply what we do. Hume concluded that we can have no substantial reason to think that what we believe about the world is true. All that we could be actually doing, in forming some beliefs as opposed to others, is following through on certain brute inclinations or habits.

Pragmatism, construed merely as the causal thesis, adds to this Humean picture only the thought that the brute inclination that controls our beliefs is the inclination to find some beliefs useful in coping with our environment and others not. Interesting as this addition may be, it does not substantially alter the epistemic picture inherited from Hume. We are still portrayed as seeking something—truth—that we cannot hope to claim to achieve, for what our beliefs track is utility, and there seems to be no obvious necessary connection between being useful to us and being true.

Given this reading of pragmatism, it is possible—sort of—to reconstruct how Menand might have come to find his account of its genesis compelling. According to this idea, we are moved to belief neither by truth nor by anything that could be certified to be correlated with truth, but rather by perceptions of utility. If that is the basis for all our beliefs—including our beliefs in moral principles—then it is understandable why, in a case in which we are locked into an irresoluble conflict with some other party, we would be reluctant to impose our view upon them. Since we can have no confidence that our own view has any greater claim to truth than theirs does, with what right would we try to get them to change their mind, let alone force them to do so if they resist?

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It is an interesting question why, if Menand has the basic motivation for pragmatism right, any thinker would have needed to invent a new form of skepticism, rather than simply relying on Hume's account. But, putting aside the previously noted reservations, at least the explanation seems to be in the right neighborhood. The trouble is that the causal thesis is *not* pragmatism. And so Menand's explanation does not explain what he sets out to explain.

In a well-known lecture titled "The Pragmatist Account of Truth," William James, listing the various misunderstandings to which his view had been subjected, arrives at the "*Sixth misunderstanding: Pragmatism explains not what truth is, but only how it is arrived at.*" His reply leaves no doubt as to his intent:

> In point of fact it tells us both, tells us what it is incidentally to telling us how it is arrived at—for what *is* arrived at except just what the truth is?

In this passage, and in many others, James makes it crystal clear that, according to pragmatism, utility is not merely what explains how we arrive at our beliefs, but also—and crucially—what their truth consists in. Indeed, few things could be more inimical to the pragmatist outlook than the gap between truth and what we can actually claim to attain. This is the gap in which skepticism lives.

Pragmatism distinguishes itself from skepticism precisely in its insistence that the useful in the way of belief is not some second-class substitute for the true, something for which we have to settle because we cannot get what we really want. Its whole point, on the contrary, is that there is simply no intelligible goal other than what is useful in the way of belief, no independent substance to calling a belief "true" as opposed to "useful." As James put it elsewhere, "the true is the name of whatever proves itself to be good in the way of belief." In other words, pragmatism is not merely the causal thesis, it is the metaphysical thesis as well. It is not just an account of how we arrive at our beliefs, but also an account of what beliefs essentially are. Menand does not seem sufficiently to understand the distinction between the causal claim and the metaphysical claim, and so he sees no need to treat them separately.

THE PROBLEM IS that it is not possible to tell Menand's story about pragmatism's origins based on a correct reading of what the pragmatist doctrine amounts to. In Menand's account, again, the impetus for pragmatism arises out of the desire of post-Civil War intellectuals to make it harder for anyone to be driven to violence over an idea, by making it harder for anyone to be certain of the superiority of his beliefs over someone else's beliefs. And while it may be possible to see how to make sense of that claim on a skeptical reading, it is very hard to see how to make sense of it on a reading that is faithful to pragmatism's intent: namely, on a reading that closes the gap between truth and utility on which skepticism depends.

If utility is the property that inclines us to hold a belief and also that which makes the belief true, what is to prevent us from claiming that some belief that is now clearly known to be useful—for example, the belief that the sun will rise tomorrow—is known with certainty? Or consider the committed slaveholder who has come to be persuaded of Jamesian pragmatism. Couldn't he argue that he knows with certitude that owning slaves is a God-given right? After all, he could be as confident as he could possibly wish to be that believing that slave ownership is a God-given right is a useful belief for him to have. And given pragmatism, there is no further open question about whether that belief is true.

Pragmatism, correctly understood, does not undermine certitude in the way that Menand's smooth story requires. But perhaps it undermines the possibility of believing in abstract moral principles, and could that be enough to yield the pacifying effect that he says its founders sought? Could one argue that human beings can only be motivated to fight for truths (understood non-pragmatically), but never to fight for a mere tool? I fear not. This, too, would be an absurd argument to make. No one thinks that just any truth—even an "abstract" one—is worth fighting for, but only one whose importance outweighs the evils that fighting for it will entrain. And there is surely no difficulty in imagining that some tool could assume that sort of importance, too, so that it would be better to risk one's life than to lose it. If I have only one spearhead and it is essential to my survival, wouldn't it make sense for me to fight to keep you from taking it from me?

Matters get stranger still when, toward the end of the book, Menand seeks to explain pragmatism's alleged eclipse in the aftermath of World War II and its apparent resurgence in recent times. The cold war, apparently, was fought over firmly held principles—the values of a free society—and so could not easily be reconciled with a pragmatist outlook; but now that the cold war is over, and "there are many competing belief systems, not just two, skepticism about the finality of any particular set of beliefs has begun to seem to some people an important value again." And so "the idea of Holmes, James, Peirce and Dewey reemerged as suddenly as they [*sic*] had been eclipsed." This aspect of Menand's historical picture inherits all the puzzles that we have been noting, and it generates a new one: why, if we had been persuaded of pragmatism before World War II, does certitude in abstract principles suddenly reassert itself once it is over?

ALL OF THIS book's problems can be traced to its author's weak command of the philosophical ideas whose history he wishes to recount. This leads him not only to come up with a somewhat fantastical account of pragmatism's origin, but also radically to overestimate its plausibility as a philosophical doctrine.

Intuitively, it seems quite clear that a belief could be as useful as one could wish it to be, and yet be false. The belief that the earth is flat presumably passed the utility test in the Middle Ages. But the earth is not flat. What should we say then, on a pragmatist view? That it was true that the earth was flat in the Middle Ages but that it is no longer true now? But the earth has not changed shape. James tried to deal with this problem with vague talk of a belief's proving useful "in the long run," but he never adequately explained how that is to work, or what "the long run" is. In any event, the maneuver does not sit well with the pragmatist's desire to close the gap between the truth of a belief and what we can actually be seen to be aiming for in coming to believe it: I have no good way now of judging whether a belief currently found useful will also be so judged in the long run.

Indeed, it is hard enough to make a judgment of the current utility of a belief, as Bertrand Russell pointed out in his trenchant attack on James's view in 1908:

> Let us consider for a moment what it means to say that a belief "pays." We must suppose that this means that the consequences of entertaining the belief are better than those of rejecting it. In order to know this, we must know what the consequences are of entertaining it and what the consequences are of rejecting it; we must also know what consequences are good, what bad, what consequences are better, what worse. Take, say, belief in the Roman Catholic Faith. This, we may agree, causes a certain amount of happiness at the expense of a certain amount of stupidity and priestly domination.... But then comes the question whether, admitting the effects to be such, they are to be classed as on the whole good or on the whole bad; and this question is one which is so difficult that our test of truth becomes practically useless. It is far easier, it seems to me, to settle the plain question of fact:

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> "Have the Popes always been infallible?" than to settle the question whether the effects of thinking them infallible are on the whole good. Yet this question, of the truth of Roman Catholicism, is just the sort of question that pragmatists consider specially suitable to their method.

Russell's powerful point is that the distinction between truth and utility is clearly visible in the fact that it is often much easier to make a judgment of truth than a judgment of utility.

But there is a deeper point buried in Russell's observation, one that has a more general bearing. In understanding truth to be a function of human utility, pragmatism takes its place in a long line of anti-objectivist conceptions of truth, conceptions that deny that there can be any self-standing facts, and admit only facts that obtain as a result of some judgment on our part. But any such view can be shown to face a very general difficulty, namely, that its own coherence seems to assume the availability of a notion of truth that it cannot hope to capture.

Go back to Russell's question about Roman Catholicism. On a pragmatist view, to figure out whether belief in Roman Catholicism is true requires us to determine what the likely consequences are of holding it, and whether those consequences are on the whole better or worse for us. But a judgment of consequence is just a factual judgment like any other: it is a judgment to the effect that this will accompany that. But to figure out whether happiness and domination are the likely consequences of belief in Roman Catholicism cannot itself be a matter of figuring out whether the likely consequences of believing that those are the likely consequences are themselves better or worse for us, since in that direction lies an infinite regress. To get the pragmatist picture off the ground, then, we need to presuppose the very notion of truth that pragmatism sets out to abolish.

Menand is clearly aware of Russell's criticisms, but he must not have been impressed with them. He mentions Russell only to note that his attacks were so strident that they moved the unflappably mild-mannered John Dewey to remark: "You know, he makes me sore." No doubt Russell did. Menand is also aware—though he is less forthright about the fact—that Peirce would have nothing to do with the equation of truth and utility:

> I must confess that I belong to that class of scalawags who purpose, with God's help, to look the truth in the face, whether doing so be conducive to the interests of society or not.

And Menand is also aware that, with the notable exception of Richard Rorty, himself alienated from mainstream philosophy and currently employed by a comparative literature department, pragmatism is rejected by virtually all of the most important philosophers working in the United States today. Yet Menand does not take any of this to reflect on pragmatism's plausibility. In his mind, pragmatism's poor philosophical reputation is a measure only of the doctrine's suitability for academic professionalism. "Efforts within American universities to make the pragmatism of James and Peirce into a research program for philosophy professors," he writes apologetically, "were sidelined by work in philosophical traditions more obviously suited to academic modes of inquiry."

This is all very disappointing; but it is what we have come to expect. In the end, Menand's book is just another depressing document of the immense popularity of anti-objectivist conceptions of truth within vast stretches of the humanities and social sciences. All these varieties of hostility to objectivity would be much easier to take were they not accompanied by such a blithe indifference to the difficulties that have been exposed for them. But perhaps intellectual blitheness is required, for it is difficult to see how an allegiance to these ideas would survive an honest engagement with their substance.

The real problem is to explain why the pragmatist conceptions have achieved such widespread acceptance in our day. One source of their appeal is clear: they are hugely empowering. If we can be said to know up front that any item of knowledge counts as true only because it satisfies some of our contingent social values, then any claim to knowledge can be dispatched if we happen not to share the values on which it allegedly depends. But that only postpones the real questions. Why this fear of knowledge? Whence the need to protect against its deliverances? Those are the questions that we need to understand if we are to command a clear view of what has happened to the contemporary American university. ■

Ghosts at the Table

By DAVID ROSAND

Leonardo: The *Last Supper* by Pinin Brambilla Barcilon and Pietro C. Marani translated by Harlow Tighe

(The University of Chicago Press, 440 pp., $95)

Leonardo's Incessant *Last Supper* by Leo Steinberg

(Zone Books, 320 pp., $43)

IN THE RANCOROUS modern history of art conservation, no project has seemed more debatable than the recent restoration of Leonardo da Vinci's *Last Supper*. This most venerated mural of the Renaissance long ago established itself as the canonic image of the subject, fixing Christ's paschal meal forever in the Western imagination—an iconic status confirmed in modern times by its cinematic rehearsal in Luis Buñuel's *Viridiana* and its graphic appropriation by Andy Warhol, as well as by more commercially motivated travesties (such as the New Jersey billboard that adorns the cover of Leo Steinberg's book). In the much-celebrated psychology of its dramatic action, Leonardo's representation has come to seem truer than any other pictorial rendering, closer to the event itself.

The work was commissioned about 1494 by Ludovico Sforza, the duke of Milan known as "Il Moro," for the Dominican refectory of Santa Maria delle Grazie, and it was completed early in 1498. It was

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already beginning to deteriorate by 1517, as one observer reported, "whether because of the dampness of the wall or some other mischance." As the decay continued, with paint peeling from the wall, generations of professional admirers through the next centuries sought to halt the process of decomposition, and to retrieve Leonardo's image by reinforcing its disappearing contours, strengthening its modulating tones, and replacing its flaking chromatic surfaces.

With the original painting fading increasingly from view, aesthetic investment in the image deepened. Like Leonardo's own *sfumato*, the tonal blurring of outline that masked visual information in deep shadow, his disappearing *Last Supper* appealed perforce increasingly to the beholder's imagination, inviting interpretive projection, as pictorial withdrawal required ever greater efforts of visual penetration. Beyond the pictorial interpretations of repainters and copyists, men of letters expounded on the truth of the image—none more influentially than Goethe, who, although he had seen the mural itself decades earlier, based his observations on an engraving.

The fault was with the artist. Leonardo had chosen not to work in the traditional medium of fresco, that is, painting directly on the freshly plastered wall. Fresco was the medium in which his predecessors and contemporaries (most notably Castagno and Ghirlandaio) had decorated the refectory walls of Florence with a number of celebrated Last Suppers. In this technique, pigment bonds with the calcifying lime to achieve the structural permanence of stone—so long as the wall itself remains in good condition. Painting *a fresco* demanded a sure brush, for color had to be applied before the plaster dried; and this required careful preliminary preparation of the composition in drawings, culminating in a full-scale cartoon. It was a laborious process, and Leonardo rejected it in favor of his own experimental technique. Presumably in search of chromatic and tonal subtleties unachievable in pure fresco, he prepared the wall rather as he would for painting on panel, applying a fine layer of lead white to the surface. The experiment was a technical failure.

We know from contemporary reports that Leonardo's creative temperament was less than perfectly suited to the laboriously systematic approach required by fresco. Sometimes he would paint through the day without a break; on other days he would visit his work-in-progress, scrutinizing it for hours without ever taking up the brush. Or, suddenly inspired, he would abandon other work to return to the scaffolding in the refectory just to add a few touches to a figure and then leave. Such spurts of inspired creativity alternating with periods of critical contemplation were incompatible with the systematic pacing of traditional fresco procedure. But it does not follow from these reports that Leonardo was constantly improvising: the *Last Supper* is a supremely meditated image, even if it was technically experimental.

The resulting technical disaster—the terrible loss of paint leading to subsequent campaigns of overpainting and restoration—rendered the recent conservation project all the more delicate. It was certainly much more problematic than the cleaning of Michelangelo's ceiling in the Sistine Chapel. However heated the debate over the Sistine restoration, that effort did in fact reveal new dimensions of Michelangelo's achievement in an art that he, the born stone-carver, denied was his. Above all, we gained a new appreciation of the fundamental chromatic structure of his painting, the clarity of color matching the precision of contour. The cleaning of the *Last Supper*, by contrast, could never promise a return to original splendor once the layers of dirt and repaint were removed. For it was generally known that little of Leonardo's painted surface was there to be rediscovered.

What little there is has now been brought to light, and is splendidly illustrated, in the weighty volume by Pinin Brambilla Barcilon and Pietro C. Marani. They are, respectively, the conservator in charge of the restoration project (which took twenty years) and a leading Leonardo scholar of this generation. Brambilla Barcilon speaks of the painting as a "patient" that had been undergoing treatment for more than twenty years. "There are no quick cures," she admits, and her summary of the results strikes a somewhat plaintive note:

> While the restoration has produced positive results, it has also forced us to confront the painful truth that much of Leonardo's original work is irrevocably lost. We take comfort, however, in the many discoveries that have emerged from our patient, painstaking labors. The most important of these is the restitution of a more accurate pictorial text, resulting from the kind of care usually reserved for panel paintings.

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The figure of Jesus in the "Last Supper," restored

The excellent color plates in this book are at once revealing and dismaying. Displaying in remarkable detail what is left of Leonardo's painting, they introduce us to details and colors that we could hardly have appreciated before: the delicately rendered utensils and food on the table, the embroidered blue pattern on the tablecloth, and the nuanced rendering of its crisp folds. But the paucity of original color is truly disappointing. What remains of the original hues is distributed in scattered bits and archipelagoes of still-adhering pigment in vast stretches of bare

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plaster. "Patient" does indeed seem the appropriate word, for close clinical examination reveals something like a rash: scabs of color over an unhealthy skin.

We had long been accustomed to viewing Leonardo through a veil, reconstructing his *Last Supper* in our own imaginations; and still we must. But there is an irony here. In the past, even as we acknowledged the scrim of restoration through which our reconstructive vision had to pass, that old repaint offered some guidance; and a comparison of the many copies of the mural made over several centuries allowed a certain control. With the guidance on the reworked mural surface now gone, we will still have to turn to those copies for aid in imagining our "original" *Last Supper*. We now have more adequate color notes with which to work, and even, in some of the faces, a surer sense of the delicacy of Leonardo's *sfumato* modeling. In other passages, however, we are left with hardly anything to see.

The publisher of the English-language edition prefaces this sumptuous volume with some cautious words, concluding with acknowledgment of the controversial status of the project:

> The debate continues. The University of Chicago Press endorses no position but believes that all informed voices should be heard. The photographs of the restoration are presented here in visual depth for the first time. Truly their worth cannot be measured, and they constitute an enormously valuable visual document of the surface of the fresco in its current state as well as a record of the twenty-year effort to rescue it. They are also a testament to the unwavering care, diligence, and wisdom that Pinin Brambilla Barcilon brought to bear on her heroic search for what is presented here, today, as the "original" Leonardo.

Caveat lector!

IT IS AN appropriate warning, because the efforts to reconstruct the "original" *Last Supper* have never been visually objective or neutral. In a very real sense, observers have seen what they have wanted to see, and have heard what they have wanted to hear. And what they have wanted to hear—following Goethe, who was following the reading of the Milanese painter Giuseppe Bossi—were the words of Christ announcing to his disciples that one among them will betray him. The studied variety of pose and gesture of Leonardo's disciples has encouraged such a reading. In "the motion of the hands" Goethe recognized the chief means of "enlivening" the picture, and in this the German poet identified a resource natural to any Italian: "In this nation, the whole body is animated, every member, every limb participates in the expression of feeling, of passion, and even of thought. By a varied position and motion of the hands, the Italian signifies." (Bernard Berenson later made the point with rather less sympathy. "What a pack of vehement, gesticulating, noisy foreigners they are," he commented with waspish prejudice.)

It seems so natural. From the calm center of Jesus, his arms extended, there flows a rhythm of highly individualized responses, intensified by the concentration of the twelve disciples into four groups of three. The challenge was to read the gestures, to find the words that these gesticulating Italians were expressing with their hands. Its corporeal eloquence acknowledged, Leonardo's work was viewed essentially as a studied exploration of dramatic expression. This *Last Supper* came to be read as an elaborate psychological pantomime.

Focusing on the human drama of response, post-Enlightenment interpretation claimed a universal humanity for Leonardo's picture. Appropriating the painting for a modern and secular world, it sought to rescue the artist from the superstition of his own age. Pietro Marani is heir to this interpretive tradition, instructing that "one must be cautious about imputing a religious motive to Leonardo." The proto-modern Leonardo must rise above conventional piety: "Every action and emotion he depicted had to be justified in scientific terms. To Leonardo, everything had a scientific explanation, from the apostles' reactions to Christ's words 'One of you will betray me,' to the reflections of light on the objects and the 'lifelike' portrayal of Christ, resigned and prescient at the moment he pronounces the words." Insisting on this "historical" meaning of the event represented, Marani rejects a "sacred" interpretation of Leonardo's *Last Supper*.

BUT HOW CAN one deny spiritual meaning to a representation of this subject? On this occasion Jesus not only announced the betrayal, but, even more significantly, he established the Eucharist, the liturgical core of Christian worship. He took the bread, broke it, and gave it to his disciples, saying, "Take ye, and eat. This is my body." And he gave them the wine to drink, explaining: "For this is my blood of the new testament, which shall be shed for many unto remission of sins." No painter in a Christian culture, not even the "scientific" Leonardo, could ignore the significance of these originating gestures.

To correct this conventional image of a proto-modern Leonardo, creator of a

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secular *Last Supper*, Leo Steinberg published a long essay in 1973. Steinberg sought to demonstrate how much richer and more complex was Leonardo's imagination than critical response had allowed, and how deeply resonant and, in the most creative sense, ambivalent was his pictorial invention. That essay has now been revised and expanded, and the resulting book offers historical criticism that is commensurately resonant and complex—art history worthy of its subject. Steinberg's reading of the picture extends to every dimension of its being, offering the most profound exploration of pictorial intelligence in both the painter and the painting.

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Study for the hands of St. John in the "Last Supper"

Rather than limiting Leonardo's representation to a single moment, to a single utterance and its response, Steinberg restores the fullness of the subject itself: as both historical (the announcement of the betrayal) and sacramental (the institution of the Eucharist), as both narrative and iconic. "Again and again," he observes, "whether in choice of subject or formal arrangement, whether addressed to a part or the whole, Leonardo converts *either-or* into *both*. The interpreter, meanwhile, must take the cue: where something in the picture seems disarmingly obvious, look for its opposite. The rewards are immense." And so they are.

Midway through his fastidious and loving analysis of the *Last Supper*, Steinberg summarizes the dialectical multivalence that he has discovered in the picture. Leonardo's composition

> is steady-state symmetry as well as sideward progression and contrast of sides. It is bi- and trisected, backed by a window which is also a door. The spatial illusion connects with and disconnects from the refectory. And the timing is instant duration. The protagonist is scaled both to his human companionship and to a superhuman dimension, and the action of his right hand signifies both in parallel with the table and hitherward. The Apostles act both on the spur of the moment and in preframed futurity, miming impulsive gestures that presage ritual norms.

Boldly asserting that Leonardo's "decisions are usually overdetermined," Steinberg, who is our most acute viewer of pictures, leads us on an exploratory voyage that opens ever new dimensions of meaning in this most famous image.

Art historians, strange to say, often have little faith in the intelligibility of the images that they study, or in the intelligence of their makers. Meaning, it is generally assumed, must be sought in the text, and can be confirmed only through recourse to text. In the case of Leonardo, the artist himself has left us an enormous and wide-ranging literary legacy, and it has been conventional art-historical practice to adduce passages from his notebooks as keys to the understanding of his painting—especially his comments on gesture and facial expression as reflecting the "motions of the mind." Such observations are usually cited as confirmation of Leonardo's physiognomic purpose in the *Last Supper*, the essentially human expression of the disciples.

While the artist's own words are certainly relevant to a proper grasp of the pictorial culture of the Renaissance, they are significant precisely because they are such commonplaces; and so they should alert us to the particularly pedagogic intent of Leonardo's draft treatise on painting. "It is not that Leonardo's notes should be slighted," Steinberg writes.

> On the contrary: matched to the picture, they teach us to measure the distance between the master's pedagogics and his creative imagination. Getting that measure and seeing that distance and seeing that distance dilate is rewarding enough. Therefore, I would cede authority to no text above the authority of the picture, which alone judges how apt a text is, even though it come from the artist.

Recognition of "the authority of the picture" is what distinguishes Steinberg's critical approach from so much art history—especially as the discipline claims to "contextualize" the objects of its study or to accommodate them to an ideological preconception.

Steinberg's method as a scholar is exemplary in its thoroughness and in its generosity. His control of sources, theological and historical, is always impressive, and his ability to invoke patristic authority in support of a thesis is sometimes uncanny. Although faulting the limits of the preceding literature, he acknowledges the validity of earlier critics' observations—if not their conclusions—and works with them. In a similar vein, he studies the mundane copies of the *Last Supper* and the variations on it by more creative masters (Rubens and Rembrandt among them), finding in their visual readings and misreadings sources for further grasping Leonardo's faded painting.

As we follow Steinberg's analysis of Leonardo's *Last Supper*, aspects of the picture that had once seemed to signify with singular clarity begin to complicate, radiating new but integrally related possibilities of meaning. Jesus's gesture, for example, signifies on several levels. Narratively, his outstretched arms simultaneously indicate surrender to his fated purpose, indictment of the traitor, and the institution of the sacrament of communion. Symbolically, they describe the triangular figure of the Trinity, and pre-figure the Judge of the Second Coming, and extend the promise of everlasting life. And finally, breaking from its painted two-dimensionality, Jesus's gesture extends beyond the picture plane into the refectory itself, transforming our world by his grace. In Steinberg's

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account,

> As Christ's arms—now in their seventh function—anticipate and embrace even the real perspective, our physical ambience is subsumed in his influence. All visible space is defined in his aura, and perspective itself becomes sanctified. Christ, the submissive Lamb of the Passion, literally imparts himself to the world. He moves his hands—no more than that; and at their motion, the very order of space, the laws governing visibility, are received as an emanation.

Christ is the generating core of the composition. Perspective construction focuses on his head, as the entire structure emanates from that center.

THAT RECIPROCAL COINCIDENCE of protagonist and perspective has seemed a natural consequence of Renaissance pictorial concerns. Leonardo's *Last Supper* has indeed been considered exemplary in its clarity of spatial projection, despite an apparent lack of fit around the edges, which undermines assumptions of uninterrupted orthogonal flow from the actual space of the refectory to the virtual space of the painting. Building upon preceding analyses, especially by his student Francis Naumann, Steinberg follows the implications of the ambiguity resulting from such discrepancies. The break between actual space and pictorial space renders the upper chamber hosting the seder apparently polygonal rather than rectangular. And that appearance distinguishes the place of Christ's meal from the dining hall of the friars of Santa Maria delle Grazie. Transcending the rectilinearity of mundane architecture, the apparent shape of this upper hall evokes rather the sacramental space of a church apse. The symbolic and narrative dimensions of Christ's own gesture are in this way appropriately matched by the architectural setting. "Leonardo's projective geometry undergoes irresistible sublimation," Steinberg observes, as "the very chamber grows sacramental."

Steinberg's expansive, catholic reading of the *Last Supper* builds upon the structure of the painting itself, from the geometries of its surface design and its orthogonal projection to the dialogical choreographies of glance and gesture. As the interpretation of the picture progresses, the time of understanding merges with the narrative time of representation, and the engagement with the image becomes participation in its depicted temporality. The *Last Supper*, Steinberg concludes, "is a unitive moment: in one viewing, a neat geometric contrivance, in another—received simultaneously—a theophany unfolding in a complicit space whose articulations proceed from the center like rays from a luminous body. This much is, for me, both a conclusion and a continually renewed first impression."

Like Leonardo himself—whose notebooks are filled with self-observation, a running commentary on his experience as observer of his own actions—Steinberg makes the experience of viewing an essential part of understanding. No summary of Steinberg's argument can do justice to its subtlety and its sensitivity, or to the poetic precision of his prose. Shining through his analysis, motivating and guiding it, is his sheer admiration for the artistic imagination. Professional colleagues, as he is well aware, will not easily accept his reading; they will be disturbed by its generous complexity, its positive embrace of ambiguity and equivocation, and they will dismiss it as "interpretive overkill." But "for the management of ambiguity," Steinberg replies, "Leonardo laid down no rules."

Once we have followed Steinberg's slow and deliberate unfolding of this painting's layered meanings, Leonardo's achievement seems so much greater and even more profound than ever we had imagined, for all our inherited cultural lessons of respect for the Renaissance master.

The artist in Leonardo respected his

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subject, meditated center and radius, its ubiquitous midpoint and boundless periphery—and studied to make his painting commensurate. What I believe he pondered most deeply was depictability, the limits of the expressible, if such existed. It was the lure of these limits that busied his passions, whatever the cause to be visualized—muscle work or the propagation of light, turbulent water or doctrinal symbolism, or, if the painting required it, the transparency of the paradox that more and still more equals one. The task throughout was to discover what art could be made to do.

The concluding line describes as well the challenge of interpretation. Great criticism is essentially a re-creative act, and no art historian has taken us closer to the creative act, has shared so intimately in the pictorial intelligence of the artist, as Steinberg has. The *Last Supper*, even as it fades further from us in its present condition, now appears deeper and fuller than ever. There are many kinds of restoration, after all; and more than the conservators, Steinberg has restored the original Leonardo. ■

Laughter and Forgetting

By RICHARD JENKYNS

Fools Are Everywhere: The Court Jester Around the World by Beatrice K. Otto

(The University of Chicago Press, 420 pp., $45)

"I HAVE ALWAYS loved jesters," Beatrice K. Otto writes at the beginning of her book, "but then who doesn't?" Quite a lot of people, I should have thought. The idea of the jester easily conjures up a picture of a noisily capering figure who has to rely on his uniform of motley, cap, and bells to prove that he is comic, as he whacks the bystanders with his inflated bladder and cranks out elaborately unamusing jokes. The very word "jest" carries a leaden weight these days: jokes may be funny, but jests are heavy and portly.

The modern imagination trades in paradox when it presents the jester: the tragic or melancholy clown, the holy fool, the bitterness behind the laughter, the weeping Pierrot crossed in love. Jack Point, in Gilbert and Sullivan's *Yeoman of the Guard*, "sighs for the love of a lady," and eventually drops dead of his passion. Verdi's *Rigoletto*, based on Victor Hugo's *Le Roi s'amuse*, which was based in turn on the historical figure of Triboulet, jester to Francis I of France, depicts a hate-filled and hated man, as warped in mind as in his hunchbacked body. "*Vesti la giubba*," "On with the motley," sings Canio in Leoncavallo's *I Pagliacci*, a murderer in the costume of a clown, as he prepares to slay his faithless wife. This idea has even reached popular culture: think of the evil Joker in the Batman comics and films.

Otto declares that the jester is essentially a kindly figure, but I wonder how often that has been true. The jacket of her book, for example, reproduces a fifteenth-century Netherlandish painting of a jester, dressed in a fool's cap with ass's ears. His eyes look slyly sideways, perhaps with malice, certainly without sparkle. His mouth is open, with the gums showing prominently, in what seems as much a rictus as a smile. He carries a crooked staff carved at the end with the head of another jester, scowling. Was this sinister, mirthless figure meant to seem uncomplicatedly jolly? If so, our facial language has changed a great deal in the last few centuries.

Otto's lively and wide-ranging book is primarily concerned with the historical reality of the jester, though she does not exclude the fools of fiction. Her scope is global. The main emphases are on China and Europe, principally Britain and France, though there is also a fair amount on Germany, Italy, and India, with occasional forays elsewhere. Conscious of the distorting effects of translation, she includes the original texts from which she quotes as far as possible, and her pages are sprinkled with Chinese ideograms. Most readers, like myself, will presumably be none the wiser, but this policy at least adds aesthetic charm to what is anyway a very handsome book.

Some distortions seem to be due to more than the imprecisions of translation. Otto quotes this from a Hopi Indian: "The clowns show, mimic the 'hidden immoralities' and bring them into the open so we can see where we have gone wrong ... the clowns show what is the essence of morality ... clowning is a public confession for humanity." Who would have thought that the Hopi were so sententious? The truth is surely that the researcher who wrote this down imposed his own cultural expectations on what he heard. Paleface speak with professorial tongue.

Whether or not translation is to blame, most of the Chinese jokes that Otto reports do seem monumentally unfunny. When the emperor admired a poem, for example, his jester told him that he could compose one twice as good:

> Moving Bucket said, "Guo Pu's poem about a wandering immortal says, 'Halfway along the clear stream, stretching for a thousand ells or more, there is a Daoist master.' Well, I say, 'Halfway along the clear stream, stretching for two thousand ells, there are two Daoist masters.' How can that not be twice as good?" Only then did Gaozu have a good laugh about it.

It appears that they were easily amused in the Middle Kingdom.

FUNNY OR NOT, jesters commonly had a moral or social function, in Otto's view. They communicated between a ruler and his people, and they could act as advisers, telling a king or an emperor the truths that he would not accept from a less buffoonish and unthreatening source. The names of Chinese jesters, as Otto reports them, might indeed seem to support this theory: Adding Clarity, Newly Polished Mirror, Immortal Revelation, Subtle Reformer, Scorching Virtue, Truly Assisting Uprightness. But there is a problem regarding her material that is evident even to a reader with no knowledge of Chinese history.

Occasionally Otto shows herself aware that her stories may not be historically true, but most of the time her argument assumes that they are (as when she favor-

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ably compares the tolerance of Chinese emperors with what might be expected today from Queen Elizabeth II). Surely most of these little tales are folk anecdotes of a familiar type, following a pretty regular pattern: the jester says something apparently silly or impertinent, the emperor takes the bait, the jester verbally outwits him, the emperor confesses himself beaten. The endings of these stories are formulaic: "The emperor burst out laughing and forgave him," "The emperor laughed and had him released," "The emperor burst out laughing and let the matter drop," "Li burst out laughing, rewarded him richly, and forgave him." One thinks of Mr. Pooter, in *The Diary of a Nobody*, finishing up the reports of his dreadful drolleries with "How we all roared!" Credulity is strained furthest in the tale of an Indian jester who made his point by arranging for the king to fall up to his neck in a pit of warm excrement. It would be an indulgent king indeed who put up with that.

Even setting aside such extreme cases, there is perhaps not a single one of Otto's stories of Eastern jesters that looks like a real event, authentically recorded and transmitted from the royal court to the outside world. The consequence is that these anecdotes tell us what the Chinese may have wanted to believe about famous emperors, but they tell us next to nothing about what actually went on. From Europe, however, Otto does have evidence that some people at least believed that the jester could exercise an advisory function. Erasmus says in *In Praise of Folly* (a slippery source, certainly) that "an appropriate and well-timed joke can sometimes influence even grim tyrants.... The most violent tyrants put up with their clowns and fools." And Francis Bacon suggested that the deformed got this advantage of their misshapenness, that "in their superiors, it quencheth jealousy towards them."

OTTO'S EVIDENCE SUGGESTS that jesters all over the world tend to be grotesque in dress and behavior, but more distinctive to Europe, apparently, was the employment of dwarfs and hunchbacks to provide comic entertainment (though Otto also finds the Aztecs doing the same). It is this, as much as anything, that has made the jester such an equivocal figure to the modern mind. Such employment can be seen as a kindness, finding a role and a purpose for the unfortunate in a harsh world; but it is also the case that the mockery of innocent affliction is immediately distasteful. Dwarfs were sometimes treated rather like pets, as in nineteenth-century Russia or earlier at the Spanish court, and this phenomenon may cause in us the kind of ambivalence that we feel about people's fondness today for their animal companions, in which genuine affection and ruthless self-gratification are uneasily combined.

One would like to know how far this doubleness was felt at the time. Otto tells us that the tragic clown is a modern invention, but perhaps this is not entirely true. The sense of something more complicated beneath the jester's merry surface can be traced back quite a ways. In the Middle Ages, death was often portrayed wearing the jester's cap and bells, and in the case of the most famous jester in all literature we see the skull beneath the skin, literally: "Alas, poor Yorick." The melancholy Jaques in *As You Like It* yearns to excoriate the world in the costume of a jester: "O that I were a fool,/I am ambitious for a motley coat."

At the simplest level, the jester provided amusement and distraction in a world without broadcasting, where even comic books might be rare. If you were bored or depressed, you could switch on your fool much as we might switch on the television. Elizabeth I was said to call for her jester, Richard Tarlton, to cheer her up when she was in the dumps, and in the eighteenth century a regimental jester accompanied the Swiss army to keep the soldiers cheerful on campaign. It is significant that as the traditional jester started to die out, figures such as Tarlton, or Charles II's fool Thomas Killigrew, came to belong as much to the stage as to the court: Tarlton was famous as a comic actor, while Killigrew was manager of the Theatre Royal as well as master of the king's revels. Jesters were starting to become a part of the entertainment industry.

YET THERE IS another side to the jester. Not all words for the jester are synonyms: *jongleur* in French and *scurra* and *mimus* in Latin—to take three terms cited by Otto—do not contain the idea of the fool. Some jesters aped the part of a fool; others were "naturals" or idiots, mentally retarded or disturbed. This darker side to the jester takes us into more mysterious territory, which Otto, stressing the jester's moral and social functions, touches on rather lightly. The idea of the fool who speaks a strange, oblique wisdom is related to the sense, found in many cultures, that deprivation may be a gateway to a transcendent form of enlightenment.

Tiresias, the blind prophet of Greek mythology, was a seer because he could not see. Homer tells of the bard Demodocus, whom the Muse loved above all others: she robbed him of his sight, but gave him the gift of sweet song. Lear's half-witted fool declares himself a prophet (and "jesters do oft prove prophets," says Regan), while Edgar, pretending to be a madman, explores the deep poetry of folly: "Nero is an angler in the lake of darkness," "Childe Roland to the dark tower came." Indeed, the juxtaposition in *King Lear* of real idiocy and simulated madness brings us before that troubled frontier—or no-man's-land—where wisdom, irrationality, beauty, and horror meet. And Lear provides a tragic twist to something that elsewhere is more purely, even wildly exuberant: any picture of the jester will be incomplete that does not include the idea of him as anarchic and surreal, an outward expression of the id surging above the superego. That conception is exemplified in the medieval Feast of Fools, when the Dionysiac and the irrational were allowed to triumph, for a moment, over reason and propriety.

THE INSTITUTION OF the court jester separates out comedy from the rest of public life and action, and puts it in a box of its own. Perhaps that is why the fool no longer has a social function. In our world, the ability to make a joke and to take a joke is something that everyone, high or low, is expected to possess. The letters "GSOH" spatter the lonely-hearts columns, and presidential candidates are required to debase themselves before Leno and Letterman. Comedians may now be multimillionaires, and as money is increasingly our main index of merit, they are heroes as well.

In the past, however, comedy has often been thought incompatible with dignity. Aristotle argued that too great a readiness to want to make people laugh was a moral failing, and Cato was shocked that Cicero made jokes. "What a wag we have for a consul," he observed. Adam Smith explains, in *The Wealth of Nations*, that actors are highly paid so as to compensate them for the degrading character of their work. (This, as history has shown, was not the great man's most prescient piece of analysis.) Otto notes the number of stories in which a king and his jester exchange places, presumably because their roles were felt to be so opposite and incompatible.

That boundary is no longer so clear. Today political leaders have to appear constantly on our television screens, and they need to interest us if they are to survive. In some sense, we require them to be entertainers. Perhaps it is too cynical to say that we turn them into clowns, but we certainly turn against them if they fail to lift our spirits. ■

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LA MATANZA DIARIST

Roadblock

THE OTHER DAY A FEW thousand people desperate for work filled the main street of this Argentinean town, hoping to block traffic. They succeeded brilliantly. Not one vehicle passed by. At the front of the crowd, on the platform of a red hippie bus, orators took turns shaking their fists and denouncing their country's inequalities of wealth. Sullen young men sprawled on the roadway sipping maté, the Argentinean herb tea, through metal straws. The sky was blue, and even the blue seemed bleak.

BLOCKING TRAFFIC HAS LATELY BEcome a popular activity in Argentina and several other Latin American countries. People stand in the road and burn tires for days on end. It is a way to cry out to the heavens. The movement seems, at first glance, to have arisen spontaneously out of hopelessness and poverty, without institutional backing or careful planning. But street protests do have their hidden histories, and that was the case here. I roamed through the crowd and chatted with a couple of the organizers, grizzled comrades from the world of Argentinean Marxism, and the comrades filled me in. The demonstration, as anyone could see from the banners and placards, was called by a coalition of poor people's organizations, together with a splinter labor federation. But the poor people's organizations, at least the most noticeable of them, turned out to be affiliated with Argentina's Communist movement in its three main factions.

THE LARGEST GROUP OF PEOPLE WERE connected to a group ferociously called the Classist and Combative Current, whose marshals wore natty white caps and smocks. The Classist and Combative Current is, in a quiet way, affiliated with the Revolutionary Communist Party, namely the Maoists. The Land Liberation Movement displayed, by contrast, the red-and-black pennants of anarcho-syndicalism but was in fact, I was informed, a creature of Argentina's mainstream Communists, the old-time Soviet party. Then there was the Workers' Pole, a creation of Argentina's Trotskyists. Thus the crowd at La Matanza consisted of visible faces and invisible faces, organizations that announced their presence, and organizations that hid their presence.

AND EVEN THE HIDDEN ORGANIZAtions were in some respects creatures of still other organizations, doubly hidden, as I learned from knowledgeable Buenos Aires journalists. Argentina's system of social welfare has fallen apart in recent years, but pieces of it cling to life. Among those pieces is an unemployment subsidy called the Work Plan, which is distributed partly through intermediary organizations instead of directly to the unemployed. The Classist and Combative Current turns out to be a main intermediary, entrusted with disbursing 5,000 individual subsidies. And so some of those protesters in white caps and smocks at La Matanza were clients of the Maoists and had to do as they were told by the Maoist chiefs (or so it was said); the Maoists chiefs, in turn, were actually clients of the state. The journalists took a dim view of this system of clients and subclients and hinted darkly at conspiracies by local interests.

AND YET, FOR ALL THE CONSPIRATORial murk, the misery at La Matanza was real. The people in the road had painted their own placards, had inscribed the names of their barrios across their Maoist smocks, and were in earnest. In Argentina today, one in six workers has no job. And even the people who do have jobs find their wages shrinking at a frightening rate. Argentina is undergoing a long-term economic crisis combined with a short-term financial crisis in the banks and the state. In the past, the Argentinean economy was largely state-controlled and worked badly. Then, in the last ten years, economic wisdom called for national governments to privatize. So the Argentines privatized. And the economy still works badly.

ARGENTINES WHO DO HAVE MONEY, the nonpoor, keep pulling it out of the banks. That is half the problem right there. But what else can those people, the bank depositors, do when the financial crisis takes a turn for the worse? Everyone I met seemed demoralized. Middle-class people with professional degrees are fleeing for a better life in Spain and Italy, even at the humblest of jobs. Some go to the United States. I read in *La Nación* that 30 percent of the Argentines who enter the United States with tourist visas end up taking a job. In Florida the Argentinean population has doubled in the last ten years.

ALL THIS IS DOUBLY SAD, GIVEN Argentina's noble past. For it used to be, 100 years ago, that ambitious people fled the other way—from Spain and Italy and other seats of poverty and oppression to a better existence on the golden Pampas and the banks of the Río de la Plata. Rubén Darío wrote a poem in 1910 called "*Canto a la Argentina*," in which he celebrated Argentina's immigrant vitality with the optimism and even the prosodic gusto of Walt Whitman celebrating the United States: "Hear, mortals, the sacred cry: Liberty! Liberty! Liberty!" The "American Dream" was in those days a dream of the Americas, at least in Argentina.

WHAT DO ARGENTINES DREAM OF today, apart from leaving the country? At La Matanza some of the secret Marxists harbored old hopes for a Bolshevik uprising. They gave me a photocopied document detailing their plans. Other people held up signs with little splotches representing a map of the Falkland (or Malvinas) Islands. "Vengeance on Margaret Thatcher!" seemed to be the idea. The orators, much more reasonably, dwelled on the need to continue subsidizing the unemployed. Someone called for keeping up the hospitals, which have deteriorated. Someone else deplored the decline in public education. But no single message united the speeches; no larger dream amplified them into a rousing aspiration; no one seemed to propose a formula for economic progress. It was just one person after another saying, in effect, "More money over here, please," with each person pointing in a different direction and muttering privately to himself.

THE PROTEST AT LA MATANZA SEEMED to me characteristic of our age. Surely today is the golden age of the inarticulate and the baffled, on every side. The demonstrators in the Argentinean street were, in their muffled fashion, protesting against economic policies demanded by the United States—though no one singled out America for blame. But lately even the White House has given up on speaking about what used to be some of America's larger hopes—a dream, for example, of a treaty-bound world cooperating for peace, clean air, and other desirable things. Today some people burn tires in the streets, and other people stand in the halls of power saying not much at all. The world's conflicts pit the inexpressive against the uncommunicative. And not one vehicle passed along the road.

PAUL BERMAN

PAUL BERMAN is the author of *A Tale of Two Utopias: The Political Journey of the Generation of 1968* (Norton).

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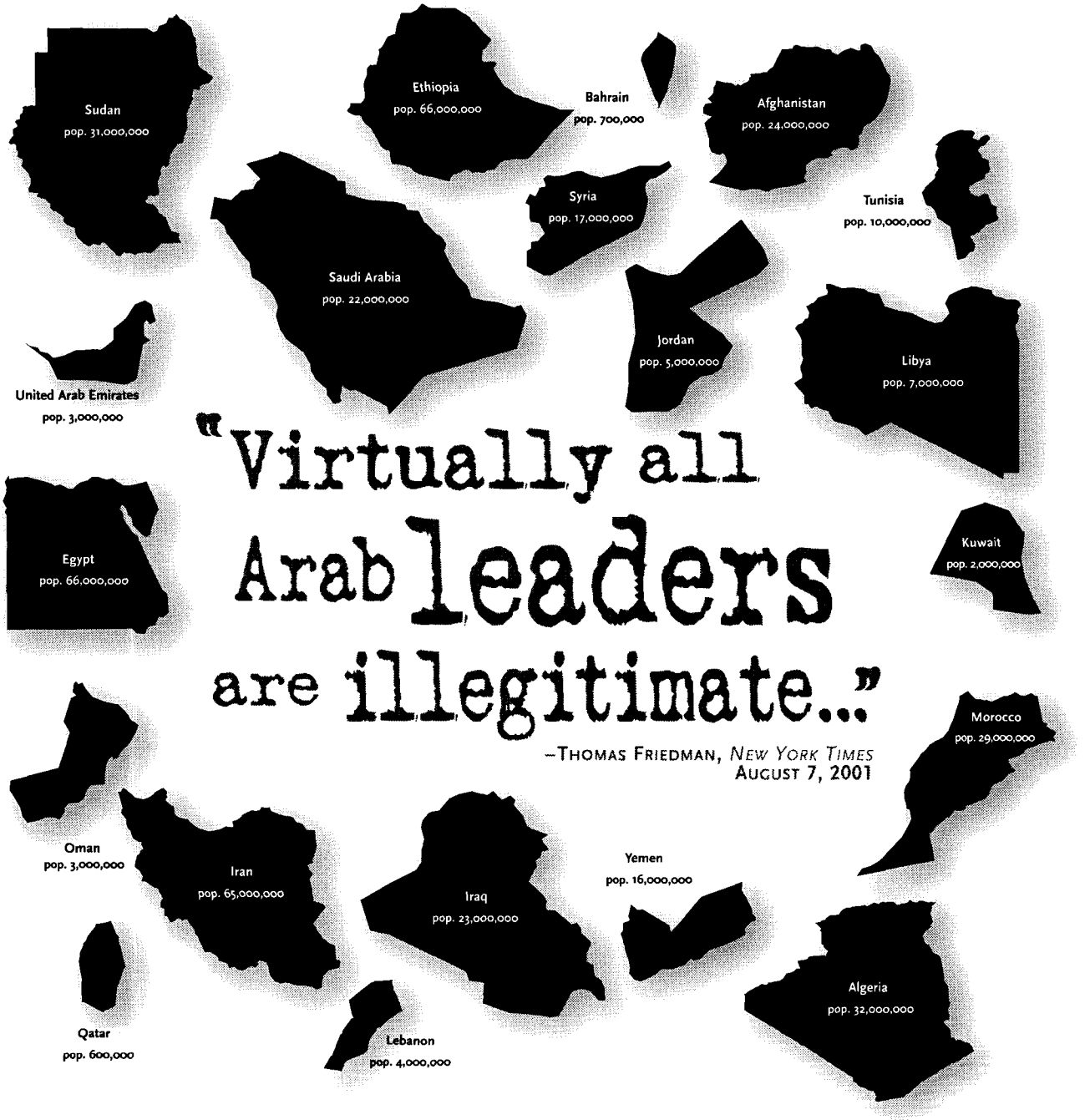

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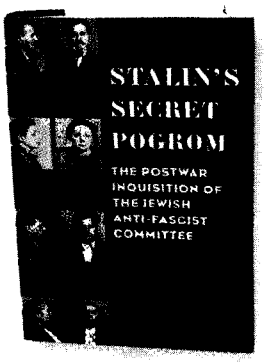

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